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Accusations of Unbelief in Islam

A Diachronic Perspective on Takfīr

Edited by

Camilla Adang, Hassan Ansari,
Maribel Fierro and Sabine Schmidtke



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Preface and Acknowledgements

In July of 2014 the news media were abuzz with reports that the movement variously known as *Dā'ish* or ISIS (Islamic State in Iraq and Syria), ISIL (Islamic State in Iraq and the Levant) or, somewhat later, simply IS (Islamic State), which had by then managed to take hold of large swathes of Syria and Iraq leaving a trail of brutal executions, was issuing certificates of non-infidelity (*shahādat ghayr kāfir*) to those who agreed to embrace the principles of the movement and to abjure their former faith, whether this was non-Sunni Islam or another religion altogether. The reports, whose authenticity was never challenged, often came with images of the certificate, either with full name, place of origin and photograph of the grantee, or with the spaces for name, place of origin and photograph left blank.¹

If such a document, which initially elicited ridicule and concern in equal measures, is perhaps a novelty in the history of Islam, the practice of *takfir*: branding one's opponents unbelievers (*kuffār*) is certainly not. It originated in the first decades of Islam and has been applied intermittently ever since. It is this practice, whose legitimacy is much debated among Muslims, that forms the topic of this volume, the first of its kind.

This collection contains nineteen studies dealing with cases, covering different periods and parts of the Muslim world, of individuals or groups that used the instrument of *takfir* to brand their opponents—either persons, groups or even institutions—as unbelievers who could, or should, be anathematized. Each case presented is placed in the sociopolitical and religious milieu in which the condemnation was voiced and, though not nearly always, followed up in practice. The individual contributors reflect on questions such as: What were the political views, religious beliefs and/or practices that gave rise to accusations of unbelief, and what was objectionable about them in the eyes of those who condemned them? How was the *takfir* publicized, and how was it justified? What sources and precedents are cited by the accusers? To what extent was *takfir* initiated or sanctioned by religious and/or political authorities or, alternatively, to what extent were religious and/or political authorities themselves the object of *takfir*? What were the practical consequences for individuals or groups hit by accusations of intolerable unbelief? How did they defend themselves against the accusations? Were there perhaps any third parties who defended them? What were the punishments incurred for *kufir* once demonstrated?

1 See, e.g., <http://www.elwatannews.com/news/details/526969> (accessed April 6, 2015).

A number of the contributions in this volume were first presented at the international conference “Takfir. A Diachronic Perspective” that took place in Madrid in October 2011, whereas other articles were invited especially for this book. The editors wish to thank the following organizations and persons for their various contributions to the realization of this volume: the Centro de Ciencias Humanas y Sociales at the Consejo Superior de Investigaciones Científicas (CCHS-CSIC) in Madrid for hosting the conference in 2011; the Spanish Ministerio de Economía y Competitividad which supported this meeting through its programme *Acciones complementarias a proyectos de investigación fundamental no orientada MICINN* (2011). FFI2011-14360-E; Professors Josef van Ess, Yohanan Friedmann and Wilferd Madelung, who acted as general discussants of the papers presented; Josephine Gehlhar, Manuela Hager, Mercedes Melchor, Amina Naciri and Ana Tendero, who contributed in different ways to the success of the conference; the Biblioteca Tomás Navarro Tomás at CCHS-CSIC, Madrid; the European Research Council for funding the projects “Rediscovering theological rationalism in the medieval world of Islam” (Sabine Schmidtke) and “Knowledge, heresy and political culture in the Islamic West (8th–15th centuries)” (Maribel Fierro) that provided the framework for the present publication; Linda George, copy-editor extraordinaire; Teddi Dols, Kathy van Vliet-Leigh and their colleagues at Brill; Professors Hinrich Biesterfeldt, Sebastian Günther and Wadad Kadi for accepting this volume in their series *Islamic History and Civilization*, as well as the anonymous peer reviewers, who offered many valuable suggestions and comments.

All the articles included are published here for the first time. We have not imposed a general definition of *kufr* and *takfir* or related terms, on the understanding that definitions of unbelief vary according to place and time. The opinions expressed in the contributions are the authors' own.

The Editors

List of Contributors

Camilla Adang

(PhD, Nijmegen) is Professor of Arabic and Islamic Studies at Tel Aviv University. Her main fields of research are social and intellectual encounters between Muslims and Jews in the Middle Ages and the Ottoman period, and the history of the Zāhirī school in the Islamic West. She is the author of *Muslim Writers on Judaism and the Hebrew Bible: From Ibn Rabban to Ibn Hazm* (Leiden: Brill 1996) and editor, together with Maribel Fierro and Sabine Schmidtke, of *Ibn Ḥazm of Cordoba: The Life and Works of a Controversial Scholar* (Leiden: Brill 2013).

Hassan Ansari

PhD, earned his doctorate at the École Pratique des Hautes Études (EPHE) of the Sorbonne, Paris. He also studied at the Ḥawza 'Ilmiyya, Tehran and Qum, where his work focused on the study of philosophy, theology, canon law, and legal theory. He is currently a Member at the Institute for Advanced Study in Princeton. His publications include *Bar-rassī-hā-yī tārikhī dar ḥawza-yi Islām wa tashayyu': Majmū'a-yi nawad maqāla wa yaddāshd* (Tehran 1390/2012); *L'imamat et l'Occultation selon l'imamisme: Étude bibliographique et histoire des textes* (Leiden: Brill, forthcoming); and a critical edition of Ibn al-Malāḥimī's *Tuḥfat al-mutakallimīn fī l-radd 'alā l-falāsifa* (Tehran 2008, with Wilferd Madelung).

Roswitha Badry

is Professor of Islamic Studies at the University of Freiburg, Germany. She studied Oriental philology (Arabic, Persian, Turkish, and Urdu), political science, and history at the University of Cologne. After obtaining her MA (1982) and PhD (1985) she served as an assistant at the University of Tübingen. From there she habilitated (1995) with a thesis on concepts of consultation (*shūrā*). Her publications and research interests center on the history of the Middle East-North Africa region since the 19th century, the continued influence of classical ideas in contemporary discourses, Shī'ī Islam, gender issues, and (auto-) biographies of religious scholars and intellectuals. For a list of her publications see <http://www.orient.uni-freiburg.de/islam/mitarbeiter/badry>.

Sonja Brentjes

is a historian of science at the Max Planck Institute for the History of Science in Berlin. She has published widely on three major themes: the translations of

Euclid's *Elements* into Arabic, with some reflections also on Persian and Latin translations of this work and its commentaries; the cultural contexts of the mathematical sciences in various Islamicate societies and their institutions, including *madrasas* and courtly patronage; and the cross-cultural exchange of knowledge in the Mediterranean basin and the Black Sea region between the 14th and the 17th centuries. Recently, she began work on issues of the dissemination of knowledge of mechanics in the classical period of Islamicate societies. In addition to these thematically oriented research lines, she has published a series of papers on historiographical issues.

Daniel De Smet

Directeur de recherche at the French National Centre of Scientific Research (CNRS), leads the research unit "Livres sacrés: Canons et hétérodoxies" at the Laboratoire d'Études sur les Monothéismes (LEM, UMR 8584) in Villejuif, near Paris. He also teaches Arabic philosophy at the University of Leuven (KUL), in Belgium. His main fields of interest are Shī'ī Islam (in particular Ismā'īlism), Arabic Neoplatonism, and Islamic philosophy. He is the author of *La Quiétude de l'Intellect: Néoplatonisme et gnose ismaélienne dans l'œuvre de Ḥamīd ad-Dīn al-Kirmānī (x^e/xi^e s.)* (Louvain: Uitgeverij Peeters en Dep. Oosterse Studies 1995); *Empedocles Arabus: Une lecture néoplatonicienne tardive* (Brussels: KAWLSK 1998); *Les Épîtres sacrées des Druze: Rasā'il al-Ḥikma, Volumes 1 et 2, Introduction, édition critique et traduction annotée des traités attribués à Ḥamza b. 'Alī et à Ismā'īl at-Tamīmī* (Louvain: Peeters 2007); *La philosophie ismaélienne: Un ésotérisme chiite entre néoplatonisme et gnose* (Paris: Cerf 2012). He is currently preparing, with Meryem Sebtī (CNRS), a monograph, *Avicenne et le Coran*, with a critical edition and an annotated French translation of the treatises relative to Qur'ānic exegesis attributed to the famous philosopher.

Brian J. Didier

received his MPhil and PhD in social anthropology from the University of Cambridge and was Andrew Mellon Postdoctoral Fellow at Dartmouth College. His research focuses on Islam and the dynamics of intra-religious conflict among the Muslim communities of the South Asian littoral, including the Malabar Coast, the Lakshadweep Islands, and the Republic of Maldives. Specifically, he explores the various modes of disputation employed by Muslim communities when disagreements arise about ritual or doctrinal issues. Currently he is head of the history department at the Winsor School in Boston, where he teaches Indian and Middle East history.

Michael Ebstein

PhD (2012), is a faculty member of the Arabic and Middle Eastern Studies Departments at the Hebrew University of Jerusalem. He has published various articles on Islamic history and thought, and is mainly interested in Islamic mysticism and Sunni-Shīʿi relations. His monograph, *Mysticism and Philosophy in al-Andalus: Ibn Masarra, Ibn al-ʿArabī and the Ismāʿīlī Tradition*, was published by Brill (Leiden) in 2013.

Simeon Evstatiev

holds a PhD (2000) in Middle Eastern History and Islamic Studies from Sofia University St. Kliment Ohridski, where he is currently Associate Professor of Middle Eastern and Islamic History in the Department of Arabic and Semitic Studies. At Sofia University he is also Chair of the Graduate Program in Middle Eastern and Islamic Studies and the Founding Director of the University Center for the Study of Religions. During the academic year 2013–14 he was Shelby Cullom Davis Center Visiting Professor at the History Department of Princeton University. His recent publications include *Religion and Politics in the Arab World: Islam in Society* (Sofia: East-West Publishers 2012). His other studies and scholarly articles in English, German, and Bulgarian, in the fields of medieval and modern history, deal with various aspects of Islamic revivalism, Arabic historical thought, and religious authority, as well as with political, social, and intellectual tensions arising from questions of religious identity.

Maribel Fierro

is Research Professor at the Centre of Human and Social Sciences at the Higher Council for Scientific Research (CSIC, Spain). Her research focuses on the religious and intellectual history of al-Andalus and the Islamic West, and on Islamic law. Among her recent publications are *Abd al-Rahman III, The First Cordoban Caliph* (Oxford: Oneworld 2005) and *The Almohad Revolution: Religion and Politics in the Islamic West* (Farnham: Ashgate 2012). She is the editor of volume 2 of *The New Cambridge History of Islam*, entitled *The Western Islamic World, Eleventh to Eighteenth Centuries* (Cambridge: Cambridge University Press 2010). She recently completed the ERC Advanced Research Project “Knowledge, Heresy and Political Culture in the Islamic West (8th–15th Centuries)”, <http://www.proyectos.cchs.csic.es/KOHEPOCU/en>.

Ersilia Francesca

is Associate Professor of the History of Islamic Countries at the University of Naples “L’Orientale.” She teaches master’s level classes in Gender Politics in

Islamic Context and Contemporary History of Economics of the MENA Region, teaching activities that have stimulated her interest in Islamic economics. She has written on the application of *zakāt* (almsgiving) in contemporary Islamic states and has published a book on Islamic norms of economic behaviour, *Economia, religione e morale nell'islam* (Rome: Carocci 2013). The main focus of her scholarly activity is on the origins and the development of the Ibādī school of law and its relationship to the Sunnī schools in the early centuries of Islam. Her publications in this field include “The Formation and Early Development in the Ibādī *madhhab*” (*JSAI* 28/2003); “Investigating Early Ibādī Jurisprudence: Sources and Case Law” (*JSAI* 30/2005); “Comparing the Ibādī and Sunnī Law in Baṣra: The Case of the *zakāt* on Cattle,” in *Revue des Mondes Musulmans et de la Méditerranée* 132/2012. The volume *Ibadi Theology: Rereading Sources and Scholarly Works*, which she edited, was published in 2015 (Hildesheim: Olms).

Robert Gleave

is Professor of Arabic Studies at the Institute of Arab and Islamic Studies, University of Exeter, United Kingdom. His research focuses on the history of Islamic legal theory, particularly in the Shīʿī school. He is author of *Inevitable Doubt: Two Theories of Shīʿī Jurisprudence* (Leiden: Brill 2000), *Scripturalist Islam: The History and Doctrines of the Akhbārī Shīʿī School of Thought* (Leiden: Brill 2007), and *Islam and Literalism: Literal Meaning and Interpretation in Islamic Legal Theory* (Edinburgh: Edinburgh University Press 2012). He is director of the projects *Islamic Reformulations* and *Legitimate and Illegitimate Violence in Islamic thought*, both funded by the UK Economic and Social Research Council.

Steven C. Judd

is Professor of Middle East History at Southern Connecticut State University (New Haven). The main focus of his research is on the development of Islamic jurisprudence and theology during the Umayyad period. He is the author of *Religious Scholars and the Umayyads: Piety-Minded Supporters of the Marwānid Caliphate* (London: Routledge 2013), as well as articles on Umayyad history, historiography, early Islamic law, and heresy. He is currently completing a monograph on ‘Abd al-Raḥmān b. ‘Amr al-Awzāʿī.

István Kristó-Nagy

is Lecturer in Arab and Islamic Studies at the Institute of Arabic and Islamic Studies of the University of Exeter. His main field of expertise is the intellectual and social history of the formative period of Islam. His approach is

comparative and interdisciplinary and his focus has been on the evolution of Islamicate political thought and wisdom literature. He has recently published a monograph, *La pensée d'Ibn al-Muqaffa': Un « agent double » dans le monde persan et arabe*, (Versailles: Collection *Studia Arabica*, Éditions de Paris 2013). He is also co-editor, with Robert Gleave, of a forthcoming book series, *Legitimate and Illegitimate Violence in Islamic Thought* (Edinburgh: Edinburgh University Press).

Göran Larsson

PhD (2000) in religious studies, University of Göteborg, Sweden, is Professor of Religious Studies at the University of Göteborg. He has published several books and articles on Islam and Muslims in Europe (especially in the Nordic countries) and on religious studies and new media. His thesis, *Ibn Garcia's Shu'ūbiyya Letter: Ethnic and Theological Tensions in Medieval al-Andalus*, was published by Brill (Leiden 2003). Besides this book he has edited the volume *Islam in the Nordic and Baltic Countries* (London: Routledge 2009) and his latest book, *Muslims and the New Media: Historical and Contemporary Debates*, was published by Ashgate (Farnham 2011). He is currently conducting research on apostasy and Islam for a Swedish project funded by the Swedish Research Council.

Amalia Levanoni

is Professor Emeritus of Medieval Islamic History at Haifa University and has been a visiting scholar at various universities in Europe and the United States. She is the author of *The Mamluk Ascendancy to Power in Egypt* (monograph in Hebrew, Haifa 1987), *A Turning Point in Mamluk History: The Third Reign of al-Nāṣir Muḥammad Ibn Qalāwūn (1310–1341)* (Leiden: Brill 1995), and co-editor, with Michael Winter, of *The Mamluks in Egyptian and Syrian Politics and Society* (Leiden: Brill 2004). She has published entries in various encyclopedias and articles in edited books and journals, such as *Studia Islamica*, *International Journal of Middle East Studies*, *Der Islam*, *Mamluk Studies Review*, and *Arabica*. Her main area of research is the political and social history of the Mamlūks in Egypt and Syria, 1250–1517.

Orkhan Mir-Kasimov

holds his PhD from the École Pratique des Hautes Études (Paris). He has lectured on Islamic mysticism and on Iranian Shī'ism at the École Pratique and at the National Institute of Oriental Languages and Civilizations (INALCO, Paris), and is now Research Associate at the Institute of Ismaili Studies in London.

His fields of specialization are Islamic intellectual history, mysticism, and messianism. His publications include several articles and book chapters. He has published a monograph, *Words of Power: Ḥurūfī Teachings Between Shī'ism and Sufism in Medieval Islam* (I.B. Tauris 2014) and an edited volume, *Unity in Diversity: Mysticism, Messianism and the Construction of Religious Authority in Islam* (Leiden: Brill 2013).

Hossein Modarressi

is Bayard Dodge Professor of Near Eastern Studies at Princeton University, Mahdi Senior Research Scholar at the School of International and Public Affairs of Columbia University, and Golestaneh Fellow at St Antony's College, Oxford. His main fields of teaching and research are Islamic law and Islamic theology. His books in English include *Kharāj in Islamic Law* (London: Anchor Press 1983), *An Introduction to Shī'ī Law* (London: Ithaca Press 1984), *Crisis and Consolidation in the Formative Period of Shī'ite Islam* (Princeton: Darwin Press 1993), and *Tradition and Survival: A Bibliographical Survey of Early Shī'ite Literature* (Oxford: Oneworld 2003).

Justyna Nedza

is a Research Fellow at the Institute of Middle East Studies at the German Institute of Global and Area Studies (GIGA) in Hamburg and a PhD candidate in Oriental and Islamic Studies at the Ruhr University Bochum. Her research focuses on the role of *takfīr* as directed against politicians and state institutions in the writings of militant Salafists in Egypt and Saudi-Arabia. In addition, she has also taught classes on contemporary Muslim militant thought at the Universities of Erlangen-Nuremberg, Marburg, and Bochum.

Intisar A. Rabb

is a Professor of Law at Harvard Law School and a director of its Islamic Legal Studies Program. She also holds an appointment as Professor of History at Harvard University (affiliated faculty) and as Susan S. and Kenneth L. Wallach Professor at the Radcliffe Institute for Advanced Study. She has published on Islamic law in historical and modern contexts, including the book, *The Benefit of Doubt in Islamic Law* (Cambridge: Cambridge University Press 2015), an edited volume, *Law and Tradition in Classical Islamic Thought* (with Michael Cook et al., New York: Palgrave 2013), and articles on Islamic constitutionalism, on Islamic criminal law and legal maxims, and on the early history of the Qur'ān text. She received a BA from Georgetown University, a JD from Yale Law School, and an MA and PhD from Princeton University.

Sajjad Rizvi

is Associate Professor of Islamic Intellectual History at the University of Exeter and Director of the Institute of Arab and Islamic Studies. Trained as a historian at Oxford and Cambridge, he specializes in intellectual history in the Safavid-Mughal period and is the author of *Mullā Ṣadrā Shīrāzī* (Oxford: Oxford University Press 2007) and *Mullā Ṣadrā and Metaphysics* (London: Routledge 2009). With Feras Hamza, he has also produced a course-book consistent with his interests in Qur'ānic hermeneutics, *An Anthology of Qur'anic Commentaries Volume 1: On the Nature of God* (Oxford: Oxford University Press 2008). He is currently working on two projects: a study of Mullā Ṣadrā's noetics (for Edinburgh University Press), and an intellectual history of Islamic philosophy in India, 1500–1850.

Sabine Schmidtke

(DPhil University of Oxford) is Professor for Islamic Intellectual History in the School of Historical Studies at the Institute for Advanced Study in Princeton. She has published extensively on Islamic and Jewish thought. Her works include *Theologie, Philosophie und Mystik im zwölfterschiitischen Islam des 9./15. Jahrhunderts: Die Gedankenwelt des Ibn Abī Jumhūr al-Aḥsā'ī (um 838/1434–35—nach 906/1501)* (Leiden: Brill 2000), and, together with Reza Pourjavady, *A Jewish Philosopher of Baghdad: 'Izz al-Dawla Ibn Kammūna and his Writings* (Leiden: Brill 2006).

Zoltan Szombathy

is currently Senior Lecturer in Arabic Studies at Eötvös Loránd University, Budapest. His main research interest is medieval Muslim social history; he has also published articles on the Muslim societies of sub-Saharan Africa. He is the author of *The Roots of Arabic Genealogy: A Study in Historical Anthropology* (Piliscsaba: Avicenna Institute of Middle Eastern Studies 2003), *The History of Bidyini and Kaabu: Two Chronicles in Arabic from Guinea-Bissau* (Piliscsaba: Avicenna Institute of Middle Eastern Studies 2007, with Eva Sebestyén), and *Mujūn: Libertinism in Mediaeval Muslim Society and Literature* (Oxford: Gibb Memorial Trust 2013).

Joas Wagemakers

is Assistant Professor and a post-doctoral research fellow of Islamic Studies at Utrecht University, The Netherlands. His teaching and research focus on the intellectual history of Islam and his current project concentrates on the ideological development of quietist Salafism and the Muslim Brotherhood in

Jordan. Wagemakers has published extensively on international, Jordanian, Palestinian, and Saudi Salafism and Islamism, and his publications include *A Quietist Jihadi: The Ideology and Influence of Abu Muhammad al-Maqdisi* (Cambridge: Cambridge University Press 2012) and *The Transmission and Dynamics of the Textual Sources of Islam: Essays in Honour of Harald Motzki* (Leiden: Brill 2013, co-edited with Nicolet Boekhoff-van der Voort and Kees Versteegh). He co-edits *ZemZem*, a Dutch-language journal on the Middle East, North Africa, and Islam, and blogs at Jihadica.com, a weblog on international developments in jihad.

Introduction

The issue of takfīr is a dangerous one; many people have undertaken it and have fallen, whereas the outstanding scholars have refrained from it and remained blameless.

ABŪ L-‘ABBĀS AḤMAD B. ‘UMAR AL-QURṬUBĪ (d. 656/1259), *al-Mufhim li-mā ash-kala min talkhīṣ kitāb Muslim*¹

1 What is Takfīr?

Takfīr is accusing someone, especially a fellow Muslim, of *kufīr*: holding or expressing deviant views or committing actions indicative of unbelief that may be tantamount to apostasy (*ridḍa*, *irtidād*) and can result in his excommunication from the fold of Islam or even execution.² *Takfīr* has affected all regions of the Muslim world, though in some areas it seems to have been practiced

¹ Ed. Muḥyī al-Dīn Dīb Matū et al. Beirut, Damascus 1417/1996, vol. 3, p. 111.

² There are few sustained discussions of *takfīr* in modern scholarship. The most detailed introduction to the subject is provided in Part One of Hanaa H. Kilany Omar, *Apostasy in the Mamluk Period: The Politics of Accusations of Unbelief* (PhD dissertation, University of Pennsylvania, 2001). For a more general discussion, see Ignaz Goldziher, *Introduction to Islamic Theology and Law*. Translated by Andras and Ruth Hamori. With an introduction and additional notes by Bernard Lewis. Princeton 1981, pp. 162–166; Josef van Ess, *Der Eine und das Andere. Beobachtungen an islamischen häresiographischen Texten*. 2 vols. Berlin 2011, vol. 2, pp. 1284–1298, § 2.4.1. Exkurs: “Verketzerung” (*takfīr*); Patricia Crone, *Medieval Islamic Political Thought*. Edinburgh 2004 (issued in the USA under the title *God’s Rule. Governments and Islam*. New York 2004), pp. 385–392: “Muslims as infidels”. *ET*² (Vol. x, p. 122) contains a very short entry on *takfīr*; the entry “Kāfir” by W. Björkmann (Vol. iv, pp. 407–409), on the other hand, provides many details. See also Maribel Fierro, “Heresy and Heretics,” in *Medieval Islamic Civilization. An Encyclopedia*, ed. Josef W. Meri, 2 vols. New York, London 2006, vol. 1, pp. 320–323; Devin Stewart, “Blasphemy,” in *The Princeton Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering et al., Princeton 2013, pp. 71–72. For a comparative perspective, see now Christine Caldwell Ames, *Medieval Heresies. Christianity, Judaism, and Islam*. Cambridge 2015. We have not been able to consult Christian Brouwer, Anja van Rompaey and Guillaume Dye (eds.), *Hérésies: une construction d’identités religieuses*. Brussels 2015 (in press), which contains a number of contributions on Islam. A collection of older and recent articles dealing with discussions of belief, unbelief, heresy, apostasy etc. is Maribel Fierro (ed.), *Orthodoxy and Heresy in Islam* [Critical Concepts in Islamic Studies], 4 vols. London and New York 2014. Additional relevant publications are referred to in the individual contributions in this volume.

more frequently than in others. That it is by no means solely a medieval or pre-modern practice is shown only too clearly by recent events in the Middle East, Sub-Saharan Africa, Pakistan and Afghanistan.

Accusations of unbelief have a long history in Islam, starting with the very Qurʾān, which contains many warnings against various kinds of *kufṛ*,³ alongside two verses that have been interpreted as a condemnation of *taḳfīr*, namely Q 4:94 ([...] do not say to someone who offers you a greeting of peace, 'You are not a believer,') and Q 40:28, which includes the following rhetorical question: 'How can you kill a man just for saying, "My Lord is God"?'⁴ Apart from monotheistic communities like the Jews and the Christians, who are regarded as stubborn unbelievers who should know better, having received sacred scriptures,⁵ the Qurʾān is chiefly concerned with Arabian polytheists who had not yet embraced Islam and who were Muḥammad's main target audience.⁶ The Qurʾān does not yet explicitly address the problem of Muslims who turned

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- 3 On the concepts of *kufṛ* and *īmān* in the Qurʾān and later Islamic theology, see Toshihiko Izutsu, *Ethico-Religious Concepts in the Qurʾān*. Montreal 2002; *idem*, *The Concept of Belief in Islamic Theology. A Semantic Analysis of Īmān and Islām*. Tokyo 1965; short surveys are Camilla Adang, "Belief and Unbelief," *Encyclopaedia of the Qurʾān*; C. Adams, "Kufr," in John Esposito (ed.), *The Oxford Encyclopedia of the Modern Islamic World*. New York 1995; Cornelia Schöck, "Belief and unbelief, in classical Sunnī theology." *Encyclopaedia of Islam*, THREE.
 - 4 Translation taken from *The Qurʾān. A New Translation* by M.A.S. Abdel Haleem. Oxford 2004. In 3rd/9th century Cordoba the latter verse was invoked by a man who had claimed prophethood and been condemned to death; see M. Isabel Fierro Bello, *La heterodoxia en al-Andalus durante el período omeya*. Madrid 1987, 71. It was also invoked by the poet and linguist Ibn Khamīs al-Tilimsānī just before being killed during a palace revolution in Naṣrid Granada in 708/1309; see A. Peláez Rovira, "Ibn Jamīs al-Tilimsānī, Abū 'Abd Allāh," in Jorge Lirola Delgado and José Miguel Puerta Vilchez (eds.), *Biblioteca de al-Andalus*. 7 vols. and 2 appendixes. Almeria 2004–2013, vol. 3, 616–621 at p. 619. More recently, in 2009 to be precise, the verse was adduced in the short piece written by Abū Muḥammad al-Maqdisī after the killing of the popular Salafī jihādī preacher 'Abd al-Laṭīf b. Khālīd Āl Mūsā of Gaza, who had incurred the wrath of the leadership of Hamas by proclaiming an Islamic emirate in the Palestinian territories; see Abū Muḥammad al-Maqdisī, "Would You Kill a Man for only He Says: My Lord is Allah?!" 'Isn't There amongst You a Single Rightly Guided Man?' (2009), *Die Welt des Islams* 53, 3–4 (2013), 474–478. Al-Maqdisī condemns Hamas for denying the protection offered by the *sharī'a* to those who claim to be Muslims.
 - 5 According to Fred M. Donner, however, the early community of Believers of Muḥammad's day was ecumenical and may have included pious Jews and Christians; see his *Muhammad and the Believers. At the origins of Islam*. Cambridge, Mass., London 2010, pp. 68ff.
 - 6 But see Gerald Hawting, *The Idea of Idolatry and the Emergence of Islam. From Polemic to History*, Cambridge, New York 1999 for an understanding of such verses as referring not to the Arab idolaters but to other monotheists.

their backs on their faith, in other words: who apostatized, or who challenged one or more of the core tenets or practices of Islam. The so-called hypocrites (*munāfiqūn*), who had converted and outwardly professed belief in the one God and His messenger Muḥammad but whose commitment to Islam was lukewarm at best, are still considered part of the Muslim community although a painful punishment awaits them in the afterlife.⁷ The second sacred source of Islam, the Sunna (literally: custom), a vast corpus of reports (*ḥadīth*) that document the actions and sayings attributed to the Prophet Muḥammad, abounds in dicta in which a warning is sounded against *kufṛ* besides others in which unwarranted *takfīr* is strictly condemned and according to which the accuser himself, if he proves to be wrong, is denounced as an unbeliever. The following sample from the latter category may illustrate this.

“The Messenger of God said: If a man says to his brother, ‘O infidel,’ it redounds upon one of them”⁸

“The Messenger of God said: Cursing a believer is like killing him, and whoever accuses a believer of *kufṛ*, it is as if he killed him”⁹

“The Prophet said: no man accuses another man of sinfulness or unbelief except it redounds upon him if his companion is not like that”¹⁰

In the most authoritative Sunnī *ḥadīth* collections, the *Ṣaḥīḥs* of al-Bukhārī (d. 256/870) and Muslim (d. 261/875), these traditions appear in the section on belief (*īmān*), but the last ones can also be found in al-Bukhārī’s section on etiquette (*adab*). This shows that *takfīr* was regarded as something that was “not done” among Muslims.¹¹ It would seem that these *ḥadīths* and similar

7 Camilla Adang, “Hypocrites and Hypocrisy,” *Encyclopaedia of the Qur’ān*.

8 Muslim, *Ṣaḥīḥ Muslim*, ed. Muḥammad Fu’ād ‘Abd al-Bāqī. Cairo, Beirut 1412/1991, *Kitāb al-īmān*, Bāb 26: *bayān ḥāl īmān man qāla li-akhihi al-muslim yā kāfir*, n°. 111.

9 Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*. Damascus 1423/2002, *Kitāb al-adab*, Bāb 73: *man akfara akhāhu bi-ghayr ta’wīl fa-huwa kamā qāla*, n°. 6105, and cf. *Kitāb al-īmān*, Bāb *man ḥalafa bi-milla siwā al-Islām*.

10 Al-Bukhārī, *Ṣaḥīḥ*, *Kitāb al-adab*, Bāb 44: *mā yunhā ‘an al-sibāb wa-l-la’n*, n°. 6045.

11 For this very reason a 4th/10th century work on character flaws and bad manners, *Masāwī’ al-akhlāq wa-madhmūmuhā* by Abū Bakr Muḥammad b. Ja’far b. Sahl al-Shāmīrī, also known as al-Kharā’iṭī (ed. Muṣṭafā b. Abī l-Naṣr al-Shalbī, Jeddah 1996) includes a section denouncing anathematization (*Bāb mā yukrah min la’n al-mu’min wa-takfīrihi*). The author quotes a series of prophetic traditions that we also encounter in the two *Ṣaḥīḥs* as well as in a number of other collections. *Takfīr* is listed alongside other types of misconduct such as insults, lies, casting doubt on someone’s paternity, envy, gossip, backbiting, playing forbidden games, illicit sexual relations and keeping bad company. Maribel

ones reflect the proliferation of accusations of unbelief in the century after the Prophet's death in the year 10/632, when the nascent community was split over the question who was to succeed him as political leader, it being agreed that no one could quite take his place as its spiritual head.¹² Whereas the majority of Muslims seems to have accepted the principle that only someone from the Prophet's tribe of Quraysh could lead the community, the followers of Muḥammad's cousin and son-in-law, 'Alī b. Abī Ṭālib, who became known as the Shī'a, restricted this to 'Alī and his descendants. Yet another group, the Khārijīs (secessionists), held that family ties played no role whatsoever in the choice of the leader, and that piety alone was the criterion. Although it was initially mainly a political issue that was at stake, then, the Khārijīs and proto-Shī'īs soon developed into fully-fledged religious movements, with their own theological tenets, legal rulings and definitions of what constituted true belief (*īmān*) and what did not; who was a believer (*mu'min*) and who was not; what was the status of the miscreant (*fāsiq*) in this world and the afterlife and how best to protect the community of believers against the pernicious influence of the unbelievers (*kuffār*), a term that included not only non-Muslims but also and especially people who professed Islam. The Khārijīs developed a minimalist view of the community of believers, limiting its membership to those who accepted their political doctrine and who combined a sincere belief with the outward profession and practice of their faith, excommunicating those who did not meet these criteria and were therefore branded unbelievers, for example because they neglected their prayers or ritual ablutions or failed to pay the poor due. In their zeal to establish a pure and righteous society, they withdrew to isolated areas where they believed true faith could thrive, this in imitation of the Prophet's own exodus (*hijra*) from his native Mecca to Medina in 1/622. From their isolated strongholds the Khārijīs regularly attacked Muslims who did not fit their definition of a true believer and therefore did not belong to their community. Whoever did not meet their strict criteria was considered beyond the pale and anathematized. Especially singled out for attack were representatives of the government. It is here that the history of *takfīr*, in the sense

Fierro's presentation in the *Takfīr* conference ("*Takfīr* as bad manners," to be published elsewhere) was based on this book.

- 12 On the origins and development of the various early factions in Islam and their religious dimensions, see W. Montgomery Watt, *The Formative Period of Islamic Thought*. Edinburgh 1973, reprinted Oxford 1998; Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra. Eine Geschichte des religiösen Denkens im frühen Islam*. Berlin, New York, 7 vols., 1991–1995, especially vols. 1 and 2; Crone, *Medieval Islamic Political Thought*, Parts I and II.

of excommunicating fellow-Muslims, truly starts. The Khārijīs, who soon split up into different factions, came to be regarded as the arch-*takfīrīs* who put the question of belonging to the Muslim community (*umma*) firmly on the political, theological and legal agenda by drawing up criteria for those who rightfully belong to it and those who do not.¹³ The influence of the *takfīrī* ideology of the early Khārijīs can be felt to this very day.¹⁴ However, before long Khārijism itself passed into a quietist phase, abandoning its political activism while still excommunicating those who failed to meet its strict standards of observance and piety.¹⁵ Like the Khārijīs, the early Shī'īs saw themselves as a chosen elite of believers (*mu'minūn*) that distinguished itself from the majority of Muslims, who in due course came to constitute mainstream, Sunnī Islam. Unlike the Khārijīs, the majority of Shī'īs did not detach themselves from society but chose to coexist with the majority community, often even pretending to be part of it in order to blend in and avoid harassment (a measure known as *taqīyya*). Two minority branches of Shī'ism, the Zaydīs and the Ismā'īlīs, were mostly activist.¹⁶ In the formative period of Islamic theology we find, besides the two factions already mentioned, two further influential groups, namely the quietist Murji'īs and the rationalist theologians of the Mu'tazila, who had adopted some of the ideas of the so-called Qadariyya, on free will versus predestination.¹⁷ According to the Murji'īs, and against the Khārijī view, belief consisted of consent and

13 For a brief discussion of the issue of belonging to the community, see William M. Watt, "Conditions of membership of the Islamic community," *Studia Islamica* 21 (1964), pp. 5–12, reprinted in Fierro (ed.), *Orthodoxy and Heresy in Islam*, vol. 2, pp. 145–150.

14 See Jeffrey T. Kenney, *Muslim Rebels. Kharijites and the Politics of Extremism in Egypt*. New York 2006.

15 See Ersilia Francesca's contribution in this volume.

16 Among the Zaydīs of Yemen, the issue of *takfīr* and *tafsīq* was of central importance as a result of the conflict between the Muṭarrifīs and the representatives of the new Zaydī "orthodoxy" who were largely informed by the Bahshamī Mu'tazilī doctrine of their co-religionists of Northern Iran. Imām al-Manṣūr bi-llāh 'Abd Allāh b. Ḥamza (d. 614/1217) is particularly known for his reckless oppression of the Muṭarrifiyya whose members he considered dangerous heretics. The conflict gave rise to an extensive corpus of works devoted to this question, such as *al-Taḥqīq fī taqrīr adillat al-ikfār wa-l-tafsīq* by Imām al-Mu'ayyad bi-llāh Yaḥyā b. Ḥamza al-'Alawī (d. 749/1348–9) (ed. Nāṣir Muḥammadī Muḥammad Jād, 2 vols, Miṣr 1431/2010).—On the practice of *takfīr* among the Zaydīs during later centuries, see Hans Kruse, "Takfīr und ḡihād bei den Zaiditen des Jemens," *Die Welt des Islams*, n.s. 23/24 (1984), pp. 424–457. On the Ismā'īlīs, see Daniel de Smet's contribution in this volume.

17 On the Qadariyya and the heretical views ascribed to them, see Steven Judd's contribution.

confession alone, not necessarily expressed in works.¹⁸ This meant that no one could be declared an unbeliever on the basis of his outward behaviour alone and that God, not men, would judge the sincerity of his faith. The Mu‘tazilīs, on the other hand, upheld the view that belief consisted of works, combined with consent and confession. However, they disagreed with both the Khārijīs and the Murji‘īs in maintaining that a Muslim who commits more sins than acts of obedience is neither to be classified as a believer nor as an unbeliever, but rather as a *fāsiq* holding an intermediary position between the two. This meant that *takfīr* of such a person is not allowed and that he is not to be excluded from the community, although in the afterlife he will be punished for his immoral behaviour. On the issue of belonging to the Muslim community, the Murji‘ī position was the most inclusive one, as the chief concern of its adherents appears to have been the preservation of the unity of the *umma*. Although criticized for allegedly encouraging or condoning moral laxity by downplaying the importance of works and pandering to rulers, it helped shape the mainstream Sunnī view of membership of the community according to which anyone who pronounces the double profession of faith in God and His Messenger is to be regarded and treated as a Muslim and as part of the People of the *Qibla* so long as no definitive proof to the contrary has been established. This view is still prevalent today, even if it is challenged by violent *takfīrī* movements which define themselves—and sometimes each other—as strictly Sunnī.

As can be inferred from the above, there is not one objective definition of what constitutes true belief (*īmān*), nor is there an objective definition of what constitutes its opposite: unbelief (*kufr*) or related concepts such as apostasy (*ridḍa*, *irtidād*), masked infidelity (*zandaqa*), vilification or blasphemy (*sabb*), religious deviance or atheism (*ilhād*), or reprehensible innovation (*bid‘a*), for all depend on the viewpoint of the beholder. Moreover, the prevailing social and political circumstances can affect the perception of what are acceptable convictions and practices and what are not. Prayer is often regarded as the key identity marker of a Muslim.¹⁹ Other than that, what is commonly accepted as characteristic of the faithful is belief in one God, in Muḥammad and the

18 The labels Khārijī and Murji‘ī have also been applied by different groups of present-day Salafis to their opponents; see Joas Wagemakers, “Seceders’ and ‘Postponers’? An Analysis of the ‘Khawarij’ and ‘Murji’a’ Labels in Polemical Debates between Quietists and Jihadi-Salafis,” in Jeevan Deol and Zaheer Kazmi (eds.), *Contextualizing Jihadi Thought*. London 2012, pp. 145–164. In the first part of this article the “historical” Khārijīs and Murji‘īs are introduced.

19 See Robert Gleave’s contribution on this issue.

prophets and messengers who preceded him, His scriptures, and the Last Day.²⁰ Apart from this, what is a true and indubitable tenet for one person may be abhorred as darkest heresy by another, and the usefulness of terms such as orthodox and heterodox has therefore been debated, as Islam, unlike some of the Christian Churches, has no authoritative institutional body to formulate and canonize doctrines.²¹ Criticism of the beliefs of others was never limited to one particular group or current in Islam. All theological schools engaged in refuting their rivals and opponents, and all of them produced more or less detailed heresiographical works whose purpose was to demonstrate the correctness of their own positions by disputing the tenets of the others.²² However, these tenets, however objectionable, were not always described in terms of *kufṛ*, nor were their representatives always branded unbelievers whose lives—mortal and/or eternal—are forfeit. Even within some of the theological schools there was much internal strife, at times leading up to mutual accusations of unbelief among their most eminent scholars.²³ Thus among the Muʿtazilīs, the practice of defending doctrinal positions by condemning as unbelief conflicting theological notions and/or their underlying assumptions was widespread, although care was taken as a rule to refrain from accusing individuals of unbelief.²⁴ Descriptions of what is considered true belief as opposed to the misbelief or erroneous opinions of others are also found in theological *summae* which often contain detailed sections on belief and unbelief and on the indications that would allow for accusing others of unbelief or grave sins (*adillat al-takfīr*

20 Qurʾān 2:285; 4:136. The belief in angels referred to in these verses played no role in later theological discussions and was usually dropped in later creeds.

21 See, for example, the articles on “Orthodoxy and heresy: dynamics and debates” in volume 1 of Fierro (ed.), *Orthodoxy and Heresy in Islam*. See also Van Ess, *Der Eine und das Andere*, vol. 2, pp. 1298–1306, § 2.4.2. “Orthodoxie” and pp. 1306f., § 2.4.3. “Orthodoxie in der Abweichung.” For a critical view of the alleged difference represented in Christendom by the institution of the Church, see now Ames in the book quoted in note 3.

22 An inventory and detailed analysis of this genre may be found in van Ess, *Der Eine und das Andere*.

23 See pp. iv–v in the introduction by Wilferd Madelung and Sabine Schmidtke to their edition of Abū l-Qāsim al-Bustī, *Kitāb al-baḥṭh ‘an adillat al-takfīr wa’l-tafṣīq. Investigation of the evidence for charging with kufr and fiṣq*. Tehran 2003, with further references.

24 See, e.g., Sabine Schmidtke, “The doctrinal views of the Banu l-ʿAwd (early 8th/14th century): an analysis of ms Arab. f. 64 (Bodleian Library, Oxford),” in *Le shiʿisme imamite quarante ans après. Hommage à Etan Kohlberg*, eds. Mohammad Ali Amir-Moezzi, Meir Bar-Asher, and Simon Hopkins, Turnhout 2009, pp. 388f.

wa-l-tafsīq), as well as in doxographies and brief creedal statements (*‘aqā’id*).²⁵ The latter genre often contains formulae that reflect a critical attitude towards *takfīr*. Thus Abū Ja’far Aḥmad b. Muḥammad al-Ṭaḥāwī (d. 321/933), a prominent Ḥanafī scholar, includes the following clauses in his Creed: “We do not brand any of the people of the *Qibla* an unbeliever because of a sin, so long as he does not consider [this sin] lawful;” “We do not assign any of [the People of the *Qibla*] to Paradise or to Hell, and we do not accuse any of them of unbelief, ascribing partners to God or hypocrisy as long as they have not openly manifested any of this. We leave their secrets to God,” and “A person does not depart from belief except by rejecting what brought him into it,” or, in other words, what makes him belong to it in the first place.²⁶ The famous legal scholar, theologian and mystic Abū Ḥamid al-Ghazālī (d. 505/1111) is often credited with having persuaded theologians, in his *Fayṣal al-tafrīqa*, that *takfīr* is not a fruitful path and that utmost caution is to be taken in applying it.²⁷ However, another work of his, *Kitāb al-iqtisād fī l-i’tiqād*, includes a brief list of those whom it is a duty to regard as unbelievers. His tolerance is not, for example, extended to philosophers and Ismā’īlī esotericists.²⁸ Two other rather well known authors who warn against unbridled *takfīr* while condemning specific categories of opponents as unbelievers who are doomed are Ibn Ḥazm (d. 456/1064) and Ibn Taymiyya (d. 728/1328).²⁹ Interestingly, but not unusually, each of these three thinkers combined theological concerns with an expertise in law. Generally

25 On this literature, see Sabine Schmidtke, “Creeds,” *Encyclopaedia of the Qur’ān*; Jon Hoover, “Creeds,” *EI THREE*. For a series of texts in translation, see W. Montgomery Watt, *Islamic Creeds. A Selection*. Edinburgh 1994.

26 *Al-‘Aqida al-Ṭaḥāwīyya*, sharḥ wa-ta’līq Muḥammad Nāṣir al-Dīn al-Albānī, N.p., n.d., §§ 57, 70, 61. A somewhat different translation may be found in Watt, *Islamic Creeds*, pp. 52–53. Several of the creeds translated by Watt contain statements similar to those of al-Ṭaḥāwī. Disapproval of *takfīr* may be found, for example, in the creedal statements attributed to Aḥmad b. Ḥanbal (d. 241/855); see also Christopher Melchert, *Aḥmad ibn Hanbal*, Oxford 2006, pp. 85f.

27 Sherman A. Jackson, *On the Boundaries of Theological Tolerance in Islam. Abū Ḥamid al-Ghazālī’s Fayṣal al-Tafrīqa Bayna al-Islām wa al-zandaqa* (Oxford 2002) contains an analysis and translation of this work. See also Frank Griffel, *Apostasy and Tolerance in Islam: die Entwicklung zu al-Ġazālī’s Urteil gegen die Philosophie und die Reaktionen der Philosophen*. Leiden 2000.

28 See *Bayān mā yajibū takfīruhu min al-firaq al-mubtadi’a* in *Kitāb al-iqtisād fī l-i’tiqād* (ed. Inṣāf Ramaḍān. Damascus, Beirut 1423/2003), pp. 175–179. For al-Ghazālī’s attitude towards the Ismā’īlīs, see Daniel de Smet’s article in the present volume and Farouk Mitha, *Al-Ghazālī and the Ismā’īlīs. A Debate on Reason and Authority in Medieval Islam*. London 2001.

29 Camilla Adang is currently preparing a study of Ibn Ḥazm’s attitude to *takfīr*.

speaking, it was the more practically-minded legal tracts rather than the other-world-oriented theological ones that occupied themselves with the question what makes one belong to the community of believers, and what causes one's expulsion from it.³⁰ After all, *takfīr* could have immediate legal as well as social repercussions, whereas how a person accused of unbelief fares in the afterlife is essentially up to God and beyond our sphere of influence. Many of the legal tracts and *fatwās* produced by representatives of the schools of law (*madhāhib*) that started to crystallize in the 8th and 9th centuries CE, Sunnī as well as Shī'ī, contain discussions of acts or expressions that cause one to be regarded as an unbeliever. They are concerned with defining unbelief, as well as related concepts such as apostasy, heresy, blasphemy or innovation, the differences (often very slight) and overlaps (often considerable) between them and the punishments they incur.³¹ These definitions varied considerably between the schools, and even within them there was not always agreement. Another problem is that the terms are sometimes used interchangeably. It is important to mention here that the *madhāhib*, at least within Sunnism, not only tolerated each other and refrained from mutual *takfīr*, but even came to acknowledge each other's teachings as legitimate expressions of the *sharī'a*.³² A question much debated among the legists was whether the apostate, once found guilty, should be given the opportunity to repent (*istitāba*), an issue already referred to in the Qur'ān and the *ḥadīth*. This was often granted, but not for vilification of God, His religion, His books, His messengers in general and Muḥammad and his family in particular, which resulted in the death penalty.³³

In addition to the numerous legal works devoted to the rulings that apply to the one who is accused of unbelief (*aḥkām al-kufr*), a special kind of legal treatise dealt with *alfāẓ al-kufr*. This literally means verbal expressions of unbelief, but the works often included references to objectionable acts as well. The following examples may suffice:

30 See Hossein Modarressi's essay in the present volume.

31 For a detailed discussion of the views of the four Sunnī schools of law on apostasy, unbelief, blasphemy and related offences, see Omar, "Apostasy in the Mamlūk Period," Chapter II.

32 See Knut S. Vikør, *Between God and the Sultan. A History of Islamic Law*. London 2005, p. 106: "It was not heresy to belong to another school of law, nor were the relations between the *madhhabs* sectarian in the way they can be between Sunnis and Shī'īs. The view was not, as in the latter case, that the other side is *wrong*, but rather that 'we do things this way, and you do them that way'."

33 See, e.g., Frank Griffel, "Toleration and Exclusion: al-Shāfi'ī and al-Ghazālī on the treatment of apostates," *Bulletin of SOAS* 64 (2001), pp. 339–354.

“Whoever recites the Qur’ān to the sound of a drum is an unbeliever (*yakfuru*)”

“Whoever says: ‘I do not know why God mentioned this or that in the Qur’ān,’ is an unbeliever (*kafara*)”

“Whoever deliberately prays in a direction other than Mecca (*al-qibla*), is an unbeliever”

“When someone returns from a scholarly gathering (*majlis al-‘ilm*) and another one says: ‘that man came back from church,’ that person is an unbeliever”

“If a woman curses a scholar husband, she is an unbeliever”

It would seem that the Ḥanafīs had a special predilection for this type of literature.³⁴ It was not they, however, but the Mālikīs who built a reputation for being quick to condemn and even execute suspected apostates and (other) unbelievers.³⁵

Legal scholars made a distinction between condemning offensive acts and statements that constituted *kufṛ* on the one hand, and *takfīr* of a person on the

34 The volume entitled *Jāmi‘ al-fāz al-kufṛ* (ed. Muḥammad b. ‘(ed al-Raḥmān al-Khumayyis, Kuwait 1420/1999) contains the following works by Ḥanafī scholars: *Alfāz al-kufṛ* by Muḥammad b. Ismā‘īl “Badr al-Rashīd” (d. 768/1366); *Risāla fī alfāz al-kufṛ* by Qāsim b. Ṣalāḥ al-Dīn al-Khānī al-Ḥalabī (d. 1109/1697), and *Risāla fī alfāz al-kufṛ* by Tāj al-Dīn Abū l-Ma‘ālī Mas‘ūd b. Aḥmad b. ‘Abd al-‘Azīz (scr. in or before 774/1372). In addition, it includes *al-I‘lām bi-qawāṭi‘ al-Islām* by the Shāfi‘ī Ibn Ḥajar al-Haytamī (d. 973/1565). The examples are quoted from Badr al-Rashīd’s work, pp. 27, 40, 43, 45. Commentaries on this work were written by ‘Alī b. Sulṭān Muḥammad al-Qārī al-Harawī (d. 1014/1605), *Sharḥ al-Imām ‘Alī al-Qārī ‘alā Kitāb Alfāz al-kufṛ li-l-‘allāma Badr al-Rashīd* (ed. Al-Ṭayyib b. ‘Umar al-Ḥusayn al-Shinqīṭī, Riyadh 2002) and Aḥmad Naqshbandī al-Rūmī (d. 1168/1754–5). See for these and further works of this kind, all of them by Ḥanafī authors, ‘Abd Allāh Muḥammad al-Ḥibshī, *Mu‘jam al-mawḍū‘āt al-maṭrūqa fī l-ta‘līf al-islāmī*. 3 vols. Abu Dhabi 2009, vol. 2, pp. 1629f.; idem, *Jāmi‘ al-shurūḥ wa-l-ḥawāshī*, 3 vols, Abu Dhabi 1427/2006, vol. 1, pp. 255f. See also Rasūl Ja‘fariyān, “Adabiyyāt-i alfāz-i kufr dar fiqh-i ḥanafī (fārsiyyāt-i kitāb-i fatāwī-yi tāṭārkhāniyya az sal-i 777),” in *Mutūn-i irānī: Majmū‘a-yi risāla-yi fārsī wa ‘arabī az dānishwarān-i irānī = Motun-i Irani (Iranian Texts): Persian & Arabic works of Iranian scholars up to Timurid dynasty*, ed. Jawād Bashari, vol. 2 (1390[2012]), pp. 117–157. Yohanan Friedmann’s presentation in the *Takfīr* conference, entitled “*Takfīr* in late medieval Muslim books of law,” also dealt with this genre. Additional examples of *alfāz al-kufṛ* may be found in Intisar Rabb’s contribution.

35 During the Mamlūk period, the Mālikīs were notorious for condemning and even executing on grounds of assumed unbelief. See Yossef Rapoport, “Legal Diversity in the Age of *Taqīd*: The Four Chief Qadis under the Mamluks,” *Islamic Law and Society*, 10 (2003), pp. 210–228 and the contribution by Amalia Levanoni in the present volume.

other. For not all actions and sayings, even if they appear to signal unbelief, cause the actor or speaker to be considered a *kāfir* who is beyond the pale. In the words of Ibn Taymiyya, “Not everyone who falls into unbelief, becomes an unbeliever” (*laysa kull man waqa’a fī l-kufr ṣāra kāfir^{an}*), i.e., will be regarded and treated as such.

Legal scholars recognized various types of unbelief: *kufr bi-l-qawl*, *bi-l-fi’l* and *bi-l-i’tiqād* (unbelief that is expressed verbally or through actions, or consists in convictions).³⁶ Moreover, they classified *kufr* according to its degrees of seriousness: major unbelief (*kufr akbar*) and minor unbelief (*kufr aṣghar*). Declaring permitted an action or saying that in itself only constituted minor unbelief was classified as major unbelief. A further distinction was made between a general charge of unbelief (*takfīr ‘āmm* or *muṭlaq*), and an accusation launched against a particular individual (*takfīr al-mu’ayyan*). *Takfīr ‘āmm* is, for example, anathematizing entire religious communities such as the Ismā’īlīs or the Aḥmadiyya. An even more comprehensive accusation is *takfīr al-‘awāmm*: branding as unbelievers the rank and file of Muslims, for example because they cannot adduce or understand the proofs of the theological tenets of the faith but, as *muqallidūn*, follow the opinions formulated by scholars.³⁷ *Takfīr al-mu’ayyan*, on the other hand, targets a specific individual, for example an ecstatic Ṣūfī like al-Ḥallāj, who was executed in 309/922, a philosopher like Ibn Rushd (better known in the West as Averroes, d. 595/1198), who was banished and whose books were burned, or a ruler regarded as an impious tyrant like the Egyptian president Anwar Sadat, who was assassinated in 1981. The category of *takfīr muṭlaq* also includes general statements such as “Whoever says X or does Y is guilty of unbelief”, as in the examples quoted above. Later Islamic sources furthermore distinguish between *kufr aṣlī*, original and inveterate unbelief, which is the kind that characterizes non-Muslims such as idol-worshippers, Jews or Christians, on the one hand, and *kufr ṭārī’* or acquired unbelief, which is the kind of unbelief into which a formerly observant or believing Muslim has fallen, on the other.³⁸ The present volume deals almost

36 See ‘Alawī b. ‘Abd al-Qādir al-Saqqāf, *al-Tawassuṭ wa-l-iqtisād fī anna l-kufr yakūn bi-l-qawl wa-l-fi’l wa-l-i’tiqād. Risāla fī l-mukaffirāt al-qawliyya wa-l-‘amaliyya min khilāl aqwāl al-‘ulamā’*. Dammam 1420/1999.

37 This type of generalized *takfīr* is refuted in Muḥammad Shaqrūn al-Wahrānī (d. 969/1523), *Al-Jaysh wa-l-kamīn li-qitāl man kaffara ‘āmmat al-muslimīn*. Tanta 1412/1992. Usman dan Fodio (d. 1817), the West African religious reformer and founder of the Sokoto Caliphate, also wrote a tract condemning this practice: *Kaff al-ṭālibīn min takfīr ‘awāmm al-Muslimīn*.

38 Omar, “Apostasy in the Mamluk Period,” p. 14; Yohanan Friedmann, *Tolerance and Coercion. Interfaith Relations in the Muslim Tradition*. Cambridge 2003, p. 123. As is evident

exclusively with accusations of *kufir* of the second type. It includes cases of *takfir al-mu'ayyan* as well as instances of *takfir 'āmm*.

Takfir was, and is, regarded by most Muslims as a dangerous instrument that not only threatens the very fabric of Muslim society, but can have grave consequences for the individuals accused, ranging from exclusion to execution (compounded, it is believed, by a painful punishment in the afterlife), and it is therefore no wonder that throughout Islamic history responsible scholars, Sunnī and Shī'ī alike, have attempted to circumscribe its application and demanded incontrovertible proof. Based on a prophetic maxim, legal scholars had developed the rule in Islamic penal law that a conviction can only be obtained if the proof against the accused is unequivocal. If, however, there should be any doubt about the legal capacity of the accused, or other extenuating circumstances apply, this *shubha* wards off a corporal punishment or execution.³⁹ The same cautious approach is applied to *takfir* and to accusations of apostasy. Muslim legal scholars have formulated conditions for an accusation of unbelief to be valid and punishment to be justified. The conditions (*shurūt*) and impediments (*mawānī'*), that is, the factors that can ward off an accusation and its subsequent punishment may be summarized as follows. First of all, the person in question must possess *'ilm* (knowledge), meaning that he must have been aware that what he was about to say or do is forbidden according to God's law. If he is ignorant of this, his saying or action will not be held against him.⁴⁰ The second condition is *qaṣd* (wilful intention): the act or statement of *kufir* must be deliberate. An act or statement that constitutes unbelief but is unintended, or results from an honest misunderstanding or a mistaken interpretation (*ta'wīl*) cannot lead to *takfir* of the individual (see also above).⁴¹ A third condition is *ikhtiyār*, choice, which means the absence of compulsion, which would have quashed the accusation. As for knowledge:

from the subtitle, Friedmann's book deals mainly with Islamic attitudes towards non-Muslim unbelievers.

39 Intisar A. Rabb, "Islamic Legal Maxims as Substantive Canons of Construction: *Ḥudūd*-Avoidance in Cases of Doubt," *Islamic Law and Society* 17 (2010), pp. 63–125.

40 On modern discussions of the possibility that ignorance averts *takfir*, see Joas Wagemakers, "An Inquiry into Ignorance: A Jihādī-Salafī Debate on *Jahl* as an Obstacle to *Takfir*," in Nicolet Boekhoff-van der Voort, Kees Versteegh and Joas Wagemakers (eds.), *The Transmission and Dynamics of the Textual Sources of Islam: Essays in Honour of Harald Motzki*, Leiden 2011 pp. 301–327.

41 For this reason various authors have dedicated separate discussions to *ikfār al-muta'awwīlīn*. The issue of *ta'wīl* and the right of Muslims to perform it is also a crucial component in the legal doctrine of rebellion: see Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law*, Cambridge 2001.

there are matters that are so generally known among Muslims to be forbidden or compulsory that pleading ignorance is no excuse. A person flouting these rules is considered an unbeliever who must face trial. The only exception are recent converts, who may not yet be fully aware of the do's and don'ts of Islam, or people who reside far from civilized society with no or limited access to reliable information about the religion. Those who are prone to violate God's law due to a lack of proper instruction should be taught. But if, after having received this instruction, one continues to deny what is necessarily known, he will be regarded as an unbeliever. Finally, scholars agree that *takfīr* may not be pronounced by a layman, who may do no more than try and persuade the suspect to mend his ways and may on no account take the law into his own hands. (In practice, however, it was and is often people with no scholarly credentials who hurl accusations of unbelief against individuals or groups of Muslims whose views they condemn.) If a punishment is to be meted out, this should be done by the proper authorities, that is, the *imām*, the ruler, his representative or the *qāḍī*. Except for the more or less systematic persecution of Manichaeans accused of *zandaqa* in the early 'Abbāsīd period, when an inquisitor called *ṣāhib* (or '*arīf*') *al-zanādiqa* was charged with the investigation of the accusation and, if necessary, the interrogation of the suspect, and the *miḥna* instituted by the 'Abbāsīd caliph al-Ma'mūn in 218/833 and continued by his immediate successors, there was never an official body dealing with the enforcement of the ruler's view of correct belief and the suppression of misbelief, and cases were dealt with *ad hoc*.⁴² As the caliphs lost ground to the religious scholars ('*ulamā'*' and '*fuqahā'*'), the latter, who regarded themselves as the heirs of the prophets, became the guardians of the true faith.⁴³ Later scholars such as Ibn Taymiyya have elaborated on the conditions under which *takfīr* may be pronounced and refined them.⁴⁴ With regard to the absence of knowledge, he is quoted as saying: "I myself—and those who sit with me know

42 See Mahmood Ibrahim, "Religious Inquisition as Social Policy: The Persecution of the *Zanadiqa* in the Early Abbasid Caliphate," *Arab Studies Quarterly* 16 (1994), pp. 53–72 as well as István Kristó-Nagy's contribution in this volume and further references cited there, and John P. Turner, *Inquisition in Early Islam. The Competition for Political and Religious Authority in the Abbasid Empire*. London 2013, and the literature about the episode cited there. For the Umayyad period, see Steven Judd, "Muslim Persecution of Heretics during the Marwanid Period (64–132/684–750)," *Al-Masāq* 23/1 (2011), pp. 1–14.

43 According to Muhammad Qasim Zaman, this occurred later than is generally assumed; see "The Caliphs, the '*ulamā'*', and the law: Defining the role and function of the Caliph in the early 'Abbāsīd period," *Islamic Law and Society* 4 (1997), pp. 1–36.

44 Abū l-'Alā Rāshid b. Abi l-'Alā Rāshid, *Ḍawābiṭ takfīr al-mu'ayyan 'inda shaykhay al-Islām Ibn Taymiyya wa-bn 'Abd al-Wahhāb wa-'ulamā' al-da'wa al-iṣlāhiyya*, Riyadh 1425/2004.

this about me—am always among the strictest of people in forbidding that a specific person be accused of unbelief, immorality or sin until proof from the Messenger [to this effect] has been established, when the one who neglects it becomes an unbeliever, a miscreant or a sinner respectively. And I affirm that God excuses this *umma* its mistakes, whether it be in matters of beliefs or actions.”⁴⁵ (Paradoxically, Ibn Taymiyya himself regularly accused his opponents of outright unbelief and has become a source of inspiration to many modern Islamist and even *takfirī* movements.) The overall circumspection on the part of eminent ‘*ulamā*’ also explains the reluctance of present-day Muslim scholars to issue an outright condemnation of Islamic State (IS): in a much publicized decision, the authorities at al-Azhar declined to pronounce *takfir* against the movement, defending this decision by appealing to the rule that Muslims do not anathematize each other, despite the fact that the members of IS themselves do not abide by it.⁴⁶ Similarly, the Khārījīs who, as was seen, are unanimously regarded as the arch-*takfirīs*, were regarded by many mainstream Muslims as believers who may not be excommunicated, even if they were the ones who had initiated the practice.⁴⁷

Even when *takfir* does not result in execution or corporal punishment, there is always a price to pay for the alleged culprit. A person tinged with allegations of unbelief or heresy, even if unproven, could and can face various serious forms of ostracism. Social relations are broken off, marital ties severed, family members are given the cold shoulder, access to inheritance is blocked, people refuse to pray together with or behind a person accused of *kufṛ*, who is, moreover, denied the prayer for the dead and burial in a Muslim cemetery. His legal

45 Ibn Taymiyya, *Majmū‘ fatāwā Shaykh al-Islām Ibn Taymiyya*, ed. ‘Abd al-Raḥmān b. Muḥammad b. Qāsim and son. 39 vols. Medina 1425/2004, vol. 3, p. 229.

46 It should not be forgotten, however, that it was scholars from al-Azhar who initiated *takfir* procedures against a number of Egyptian intellectuals such as Ṭāhā Ḥusayn (d. 1973), Naṣr Ḥāmid Abū Zayd (d. 2014), Ḥasan Ḥanafī and Nawal El Saadawi. (The latter case is discussed by Roswitha Badry in the present volume.) See Kamran Hashemi, *Religious Legal Traditions, International Human Rights Laws and Muslim States*. Leiden 2008, Chapter 4: Current applications of Traditional Rules of Heresy, and Omar, “Apostasy in the Mamluk Period,” Introduction.

47 <http://www.alarabiya.net/ar/arab-and-world/egypt/2014/12/11/%D8%A7%D9%84%D8%A3%D8%B2%D9%87%D8%B1-%D9%86%D8%B1%D9%81%D8%B6-%D8%AA%D9%83%D9%81%D9%8A%D8%B1-%D8%AF%D8%A7%D8%B9%D8%B4%D9%88%D9%84%D9%83%D9%86-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85%D9%87-%D9%84%D9%8A%D8%B3%D8%AA-%D9%85%D9%86-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85.html>.

probity is questioned and he is no longer allowed to testify in court. If he has written books, they might be banned, burned, or refuted in polemical tracts.⁴⁸

While on the *doctrine* of *takfīr* there is no lack of sources and efforts at systematization can be encountered in both theological and legal handbooks, the study of the *practice* of anathematization and its consequences requires us to engage with evidence found in other types of sources (such as legal responsa, court records, historical chronicles, and literary works) and with the need to reconstruct the contextual framework that gives meaning to each case. Anthropologists and historians studying modern societies are fortunate in that they are able to recover aspects that are more often than not hidden from the view of scholars dealing with earlier periods: private encounters and conversations among the parties involved, which sometimes may lead to the deflection of *takfīr*, links to the political context of the day that may tip the balance one way or another, the wider social, religious and political setting of a case and the ways in which it shapes the form and contents of scholarly discussions.⁴⁹ It is in such cases—in the ‘micro-history’ of *takfīr*—that the reluctance towards its use finds its foundations. Not only in the Middle Ages, but also in the pre-modern and modern periods accusations of unbelief are frequently thrown at fellow-Muslims whose religious beliefs and practices or political preferences differ from what is deemed acceptable, often with dire and far-reaching consequences, as is demonstrated in several contributions in this volume.⁵⁰ In the past decade concerns about widespread *takfīr* have led to several high-profile meetings of Islamic scholars. In 2004 an initiative was taken by King Abdullah II of Jordan to consult a number of leading religious scholars on the ever hotly debated question which beliefs and actions represent true Islam and which ones do not. Twenty-four influential scholars from the Muslim world and beyond, representing different branches of Islam, were asked to address three questions: Who is a Muslim? Is *takfīr* allowed? Who is entitled to issue *fatwās*? The scholars, who included *Shaykh al-Azhar* Muḥammad Sayyid Ṭanṭāwī, “global

48 See Maribel Fierro, “Religious dissension in al-Andalus: ways of exclusion and inclusion,” *Al-Qanṭara* xxii, 2 (2001), 463–487. For cases of censorship and book destruction, see the articles by Samir Kaddouri and Monica Balda-Tillier in Maribel Fierro (ed.), “The control of knowledge in Islamic societies,” *Al-Qanṭara* 35 (2014).

49 See Brian J. Didier, “When disputes turn public: heresy, the common good, and the state in South India,” in Armando Salvatore and Dale F. Eickelman (eds.), *Public Islam and the Common Good*, Leiden 2004, 157–180 and the same author’s contribution in the present volume.

50 For the pre-modern period, see the contributions by Sajjad Rizvi, Simeon Evstatiev and Orkhan Mir-Kasimov; for the modern period, see the articles by Roswitha Badry, Joas Wagemakers, Justyna Nedza, Brian Didier and Göran Larsson in this volume.

mufti” Dr. Yūsuf al-Qaraḏāwī,⁵¹ and Iraqi Grand Ayatollah Sayyid ‘Alī al-Sīstānī, issued opinions on these questions, which were subsequently discussed during a meeting convened by the king in 2005 in which some two hundred scholars from fifty countries participated. On the first two questions, which are most relevant for the present discussion, the answers formulated are the following: anyone who follows one of the four *madhāhib* of *ahl al-sunna wa-l-jamā‘a* (Ḥanafī, Mālikī, Shāfi‘ī, Ḥanbalī), the Ja‘farī, Zaydī, Ibādī or Zāhirī *madhhab* is a Muslim who may not be anathematized (*lā yajūz takfīruhu*). His life, honour and possessions are inviolate. Based on the *fatwā* issued by the *Shaykh al-Azhar*, a clause was added forbidding the anathematization of the followers of the Ash‘arī creed⁵² as well as those who practice “genuine Ṣūfism” or subscribe to “true Ṣalaḑī thought” (what this actually means remains unexplained). Nor is it allowed to anathematize any other Muslim group that believes in the pillars of the faith, acknowledges the five basic precepts of Islam and does not deny any part of the faith that is necessarily self-evident (*ma‘lūm bi-l-ḑarūra*). These points were later endorsed by various organizations of Muslim scholars as well as by a large number of influential intellectuals and politicians.⁵³ Towards the end of the document, the compilers state that a next step in the implementation of the recommendations should be national and international legislation using the Three Points of the Amman Message to define Islam and forbid *takfīr*.⁵⁴ (So far this point has only been implemented in Tunisia, where the National Constituent Assembly in January 2014 ratified a new constitution that criminalizes *takfīr*.)⁵⁵ Moreover, the document expresses the hope that proper awareness, education and understanding of the Message and its Three Points

51 Jakob Skovgaard-Petersen and Bettina Gräf (eds.), *Global Mufti. The Phenomenon of Yūsuf al-Qaraḏāwī*, London 2009.

52 “Aṣḥāb al-‘aqīda al-Ash‘ariyya,” see *Risālat ‘Ammān*, Amman 2013, p. 33. The footnote on this page adds that this includes the Māturīdis inasmuch as both groups affirm their belief in God and His Prophet Muḥammad as well as in the remaining pillars of Islamic belief and practice. P. 109 refers to both groups as “aṣḥāb al-‘aqīda al-taqlīdiyya,” which in the English version is rendered as “traditional Islamic theology (Ash‘arism);” see *The Amman Message*, Jordan 2009, p. 85.

53 A list of over 550 signatories is included in the full document: *Risālat ‘Ammān*, pp. 37–107; *The Amman Message*, pp. 23–82.

54 *Risālat ‘Ammān*, p. 116, *The Amman Message*, p. 90.

55 Article 6: L’État est le gardien de la religion. Il garantit la liberté de croyance et de conscience et le libre exercice des cultes; il est le garant de la neutralité des mosquées et lieux de culte par rapport à toute instrumentalisation partisane. L’État s’engage à diffuser les valeurs de modération et de tolérance, à protéger le sacré et à interdire d’y porter atteinte. Il s’engage à interdire les campagnes d’accusation d’apostasie [Takfir] et l’incitation à la

might prevent Muslims (the aim is 99.99% of them) from being influenced by illegitimate *fatwās* and sliding into *takfīr* and terrorism.⁵⁶ Because of the exponential increase in *jihādī-takfīrī* attacks targeting Muslims and non-Muslims alike, additional meetings were convened in order to try and formulate ways to handle the problem. Mention was already made of the January 2015 international conference at al-Azhar, which condemned IS for its violence but stopped short of anathematizing it. A few months before this meeting a conference on *takfīr* took place in the Iranian city of Qom, whose status for Shī'ī Islam is similar to that of al-Azhar for the Sunnis. The meeting in Qom discussed ways of eradicating the phenomenon, and likewise stated that anathematizing a fellow Muslim is a grave matter and that only an Islamic court may pronounce *takfīr*.⁵⁷ Strong criticism of the practice may also be found in the statement issued on 12 February 2015 by the above-mentioned Ayatollah al-Sīstānī to Shī'īs participating in the jihad advising them how to behave towards the enemy. Although he speaks in general terms and does not mention them by name, it is clear that by "the enemy" IS is meant. Invoking the precedent set by the first *imām*, 'Alī, al-Sīstānī admonishes the Shī'ī *mujāhidūn* to spare the lives of children, women and elderly people, to respect houses and possessions, not to dishonour women, not to desecrate corpses and not to harm non-Muslims. Moreover, they are not to act like the Khārijīs and accuse others or unbelief, for everyone who pronounces the double *shahāda* is a Muslim whose lives and goods are protected, even if he has fallen into some error or is guilty of some innovation. Already imam 'Alī forbade *takfīr*, he argues.⁵⁸ Current events demonstrate that the moral authority of the scholars of al-Azhar, Najaf and Qom has had limited influence. Despite the mutual tolerance shown by religious scholars and their reluctance to anathematize fellow-Muslims, *takfīr* is a deep-rooted, if relatively infrequent phenomenon that is clearly here to stay. For this reason, it is important to know its origins as well as its dynamics throughout history. It is here that the contribution of the present collection of essays lies.

haine et à la violence. Il s'engage également à s'y opposer. For the Arabic text, see http://www.marsad.tn/uploads/documents/TnConstit_final_1.pdf (accessed 11 Jan. 2015).

56 *Risālat 'Ammān*, p. 114; *The Amman Message*, pp. 88f.

57 <http://www.abna24.com/english/special-issue/congress-takfiri/archive/2014/11/26/654140/story.html> (accessed 22 Dec. 2014).

58 *Naṣā'ih wa-tawjīhāt li-l-muqātilīn fī sāḥāt al-jihād: Iṣḍār maktab samāḥat al-Sayyid al-Sīstānī (dāma ẓilluhu)*; <http://www.sistani.org/arabic/archive/25034/> (accessed 20 Feb. 2015).

2 The Contributions

This volume is divided into two main sections. The first includes fourteen contributions dealing with cases of *takfīr* from different areas and periods that are presented in chronological order. The five articles in the second section cut across periods and are more thematic in nature. As stated in the Preface and Acknowledgements, we have not imposed a specific definition of *kufṛ* and *takfīr* or related terms on the authors, on the understanding that definitions of unbelief, heresy, apostasy or blasphemy vary according to the context in which they are used.

In the first article in Part I, Ersilia Francesca discusses the doctrine of *walāya* and *barā'a* (association and dissociation) that was first formulated and used in the late 2nd *hijrī* century (late 8th, early 9th century CE) by the quietist Ibādī Khārījī community in Basra and later on also by Ibādīs in Oman, and that distinguished between those who rightfully belong to the community and those who do not. The latter category, who were considered unbelievers from which it was a duty to distance oneself, not only included non-Ibādīs, such as Murjīs or Qadarīs, but at times even members of the community itself who were regarded as falling short of its high standards of piety and justice and were therefore subjected to various forms of social ostracism. The question of whether *takfīr* of an unjust leader was legitimate and rebellion against him justified came up at several instances.

Steven Judd addresses the question of whether the Qadarīs of the Umayyad period, who advocated the doctrine of human free will, were regarded by their contemporaries or by later Muslim writers as unbelievers who were beyond the pale. Based on a number of medieval heresiographical tracts, refutations of Qadarī views, and biographical or historical sources describing men suspected of having Qadarī tendencies, Judd concludes that while some were executed and others molested or ostracized, it is not always clear that this was because of their alleged Qadarī positions. Although Qadarism is described in pejorative or highly negative terms in all the works examined, only few of these works explicitly condemn Qadarism as *kufṛ* and Qadarīs as *kuffār*.

The following contribution, by István Kristó-Nagy, deals with the so-called *zanādiqa* (sg. *zindīq*), a term encountered frequently in accusations of unbelief to underscore the seriousness of a person's error. Although the term, usually translated as "heresy", originally referred to the Manichaeans, whose dualism and cosmology were diametrically opposed to Islamic monotheism and belief in a *creatio ex nihilo*, which they sharply criticized, it soon came to be applied to "crypto-infidels": Muslims who concealed a deviant set of beliefs—Manichaean or other—under the guise of Islam. As such they, no less than the

Manichaeans, were seen as a dangerous fifth column and subjected to *takfīr* and persecution. The campaign against the deviant views of the “original” *zanādiqa* was apparently led by the theologians of the Mu‘tazila whose own teachings, however, seem to have crystallized as a result of their exposure to Manichaean doctrines.

Ismā‘īlī Shī‘ism with its esoterical teachings has often been the target of attacks by Muslim authors of various denominations, and most notably by al-Ghazālī (d. 505/1111) who, in his *Kitāb Faḍā’ih al-Bāṭiniyya*, states that they are unbelievers whose blood may be spilled. The Ismā‘īlīs did not remain silent in the face of these attacks, but wrote counter-refutations. Daniel de Smet’s contribution examines one such refutation, namely *Kitāb Tanbīh al-hādī wa-l-mustahdī* by the 5th/11th century scholar Ḥamīd al-Dīn al-Kirmānī. Al-Kirmānī, a representative of moderate Fāṭimid Ismā‘īlism, polemicizes not only against the movement’s detractors, but also against philosophers, rational theologians and legal scholars, Sunni and Shī‘ī alike, whose views he denounces as error (*ḍalāl*), innovation (*bid‘a*), or unbelief (*kufṛ*). De Smet shows that al-Kirmānī does not spare his fellow Ismā‘īlīs either, as part of his polemic is directed at extremist currents within Ismā‘īlism, the so-called *ghulāt*, whom he defines as unbelievers.

Muslim representatives of the non-religious sciences, such as philosophy, astronomy, arithmetic, algebra, geometry, etc. have often been looked at with suspicion by their coreligionists and one might therefore have expected to encounter accusations of unbelief in their biographies. In fact, however, it would seem that religious scholars were much more likely to be anathematized and/or persecuted for their views. Analyzing three biographical dictionaries and two historical chronicles from the 7th/13th and 8th/14th centuries, Sonja Brentjes finds that there are actually very few direct suggestions of unbelief in the biographies of scientists, although *takfīr* was by no means an unknown phenomenon in the period under review. One of the possible explanations offered is that by the Ayyūbid and Mamlūk periods the terms *kufṛ* and *kāfir* were apparently mainly reserved for external political enemies such as the Crusaders and the Mongols.

Amalia Levanoni presents an inventory of cases of *takfīr* that were tried before the *qāḍīs* of the four Sunni schools of law in Mamlūk Egypt and Syria that attracted wide interest both on the part of the religious and political elites and among the common people. Of the sixty cases she discusses, more than half led to the execution of the accused individuals, who included Šūfis, Rāfiḍī Shī‘īs, reverts from Islam, alleged blasphemers and sorcerers, rebels, political rivals and others, with charges often being trumped up. In most cases resulting in a death penalty, it was the Mālīkī *qāḍī* who presided over the trial, whereas

it was often the Shāfiʿī judge who managed to avert the death sentence. In many cases a Mamlūk *amīr* or even the sultan himself would interfere either in favour or to the detriment of the accused.

As is well known, mainstream Islam believes that the prophet Muḥammad was the last one to have received a divine revelation and the one who sealed the succession of prophets. However, throughout the history of Islam, there have been charismatic leaders who claimed to have received authentic knowledge and a mandate to renovate or purify Islam. This was acceptable to the religious establishment as long as no claim was laid to divine revelation, for in such cases the would-be prophet and his followers were branded unbelievers, which might result in their persecution and even execution. Orkhan Mir-Kasimov deals with the Ḥurūfis, a politically active messianic group founded in Iran by Faḍl Allāh Astarābādī (d. 796/1394), who apparently claimed to have received revelations. According to the author, Faḍl Allāh and the Ḥurūfis have often been misunderstood, and he argues that the accusations of antinomianism and intentions to replace the *sharīʿa* are found to be unjustified when, instead of external heresiographical tracts, the writings of the Ḥurūfis themselves are studied.

The Qāḍizādelis, a radical revivalist movement that was active in Istanbul and other parts of the Ottoman empire in the 20's and 80's of the 17th century, are the topic of the contribution by Simeon Evstatiev. Taking their inspiration from Muḥammad b. ʿAlī al-Birgīwī (d. 1573) and led by Qāḍizāde Meḥmed Efendi (d. 1635) and his successors, they advocated a *sharīʿa*-based reform to be brought about by reviving the beliefs and practices of the first Muslims. Admirers of Ibn Taymiyya and his disciple Ibn Qayyim al-Jawziyya, they were inspired by a long classical and post-classical tradition of revivalism on the one hand, and by an earlier *sharīʿa*-minded Ḥanafī Ottoman religious trend on the other. Their anti-mystical and pietistic ideology caused them to condemn as innovation or even *kufṛ* certain beliefs and practices that deviated from their norm—much in the same way the Wahhābīs in Arabia were to do shortly after them, as is shown by Evstatiev—and in their revivalist zeal they did not shun violence.

Sajjad Rizvi focuses on the accusations of heresy and unbelief that were directed at the famous Ṣafavid philosopher Mullā Ṣadrā Shīrāzī (d. 1045/1635) and his sympathizers, both in his own days and much later, in the Qajar period. Among other things Ṣadrā was accused of having followed the monist doctrine of *waḥdat al-wujūd* developed by the Andalusī Ṣūfī Ibn (al-) ʿArabī (d. 638/1240) and of having denied eternal punishment in hell and the resurrection of the physical body. Interestingly enough, *takfīr* was pronounced only after Ṣadrā's death. The charges reflect various issues for which philosophers, theologians

and mystics were criticized in the Ṣafavid period and after, when Sufism and philosophy were increasingly delegitimized, being regarded as inauthentically Shīʿī and akin to Sunnism. Mullā Ṣadrā came to be seen as the one who had promoted monism and brought together Sufism and philosophy in a heretical synthesis.

Brian Didier has studied a long drawn-out and disruptive religious dispute between two groups on the south Indian island of Androth: the local (Sunni) clerics on the one hand, and the indigenous Sufi brotherhood of the Shamsiyya on the other, whose beliefs and practices largely overlapped. An initially minor conflict deepened in 1989 when the *ʿulamā* publicly and collectively condemned as intolerable a series of practices and doctrines ascribed to the Shamsiyya order, which culminated in *takfīr* and persecution. Didier shows that the *ʿulamā* were driven to anathematizing the Shamsiyya less because of their alleged heretical views and objectionable practices than by an attempt to retain their own tenuous authority, which was impinged upon by external factors: Muslim reformists and representatives of the central Indian government. In fact, the beliefs and practices of the Shamsiyya do little to explain why they were denounced and persecuted as *kāfīrs*. This case provides a good example of how accusations of *takfīr* can rip apart families and entire communities.

In her contribution Justyna Nedza shows how accusations of unbelief can be directed not only at individuals or groups, but at entire states and their representatives. The case in point is Saudi Arabia, where home-grown militant Islamists declare the state to be its Number One enemy and primary target of attack. This constitutes a shift in their ideology and tactics, for previously it had been mainly foreigners, including those on Arabian soil, who were regarded as the chief target of *jihād*. Nedza analyses the writings—many of them spread via the internet—of three radical Saudi scholars (collectively nicknamed “the *takfīrī* trio”) who not only anathematized reformist and moderate religious scholars, but the entire state and its institutions and, by implication, the royal family.

In Joas Wagemakers’ essay it is not a state that is hit by *takfīr*, but a system of governance, namely democracy, together with its advocates. Different radical jihādi-salafī movements, often referred to by their opponents as *takfīrīs*, denounce democracy as *kufr*, as it puts into the hands of humans the power that belongs to God alone. Democratic freedoms are not compatible with the limits instituted by God, they argue, and majority rule does not guarantee the proper application of His will. Not all men are equal, and equality between the sexes or between Muslims and non-Muslims cannot be harmonized with the Qur’an. Freedom of expression may lead people to reject or insult Islam. Whereas there is broad agreement among the radical Islamists on the reasons for rejecting

the *system*, Wagemakers' study of Arabic, and especially Jordanian and Iraqi jihādi-salafī literature (books, articles and *fatwās*) shows that when it comes to denouncing democrats, either individually or collectively, as unbelievers, the political context plays a major role. Thus in Jordan, which has a tradition of parliamentary elections, a more moderate approach is taken to participation in the democratic process than in Iraq, which has seen a more radical and comprehensive *takfīr* of voters.

That accusations of unbelief were not exclusively directed at men is shown by Roswitha Badry, who looks at the little-studied *takfīr* cases initiated against three well-known women's rights activists: Tūjān al-Fayṣal, a journalist and television broadcaster who later became the first female member of the Jordanian parliament, the controversial Egyptian novelist and physician Nawāl al-Sa'dāwī, and the Kuwaiti novelist Laylā al-'Uthmān. All three of them were accused of unbelief and apostasy because they openly challenged the social norms of patriarchal society or Islamist discourse and tackled sensitive issues such as moral double standards, domestic and sexual violence and child abuse, and all of them had to face trial. Badry finds that female activists, who are perceived as a threat to patriarchal familial and social structures, are often singled out for moral opprobrium and become objects of personalized, emotionalized, and sexualized attacks.

Göran Larsson describes a case of *takfīr* that took place outside of the Muslim world, namely in Sweden. In 2011, a group of Somalis who had converted from Islam to Christianity (and were thus, from the Islamic point of view, apostates) held an evangelization meeting in the central square of Rinkeby, a multi-ethnic suburb of Stockholm. The meeting, at a location close to the mosque, included public prayer and testimonies, and attracted much attention. Some Muslims were outraged by the event, whose clear aim was to convert additional Somalis, and reacted aggressively. The event was covered by national Swedish Radio, which interviewed a Somali convert, an open-minded Muslim who held that conversion was a matter of personal conscience, and an outraged Muslim who condemned the converts as apostates who should be put to death. Larsson describes the aftermath of the incident: the radio programme was reported to the police as constituting incitement, and triggered a discussion of the place of Islam and Muslims in the country.

Hossein Modarressi addresses the dual question of what are the minimum requirements for being considered part of the community and what turns a Muslim into an apostate, by analyzing the emendations made to a prophetic *ḥadīth* quoted by the Shī'ī imam 'Alī b. Mūsā al-Riḍā (d. 203/818) in which salvation was promised to all who believed in the oneness of God as the central tenet of Islam. Finding this *ḥadīth* too accommodating and inclusive, both

Sunnīs and Shīʿīs soon added clauses that reflected their own particular outlook and that limited membership of the community and access to paradise to their own partisans. Modarressi shows how in different versions of this *ḥadīth* less inclusive clauses are added that make more demands on the believers, so that the initially wide-open gate to paradise is shut in the face of deniers of certain tenets.

Robert Gleave examines a series of Imāmī Shīʿī texts dealing with the question of whether someone who abandons prayer (*tārik al-ṣalāt*), either incidentally or habitually, unintentionally or deliberately, is to be declared an unbeliever. The Imāmī *ḥadīth* corpus contains some fifty statements, ascribed to the Prophet or to one of the Imams, about this issue. According to one set of statements the intercession of the Prophet or the Imam will be withheld from those who make light of prayer, which is tantamount to a declaration of unbelief. Other dicta state that the only thing between faith/obedience and unbelief is abandoning prayer. The most common, and most categorical statement is that whoever abandons prayer is an unbeliever although, as Gleave shows, this is qualified in many accounts. The different statements are quoted or echoed in the Imāmī jurisprudential literature, which reveals varying degrees of condemnation. However, the authors discussed take a hard view of those who believe it is acceptable to miss prayer and intentionally refrain from it. Gleave shows that on many points the Shīʿī and Sunnī arguments overlap.

The article by Intisar A. Rabb deals with the terms *ḥuqūq al-ʿibād* (lit. “rights of man”) and *ḥuqūq Allāh* (lit. “rights of God”) that were used by medieval Muslim jurists and analyzes both the social and jurisprudential aspects of these terms in order to arrive at a more pointed definition of “God’s rights” as articulated in the Ḥanafī law of defamation and blasphemy: irreverent statements about God, His Prophet and the interpreters of His law. Ḥanafīs alone among Muslim jurists saw both these types of criminal speech as violations of God’s rights, viewing that category as related not just to societal or public interest, but as embodying public values. Rabb illustrates her argument with numerous examples of utterances perceived as blasphemous that render a person liable to an accusation of unbelief, taken from *Fatāwā ʿālamgīriyya*, an influential seventeenth-century compendium of Ḥanafī law from Mughal India.

In his contribution, Zoltan Szombathy discusses the potential of literary expressions, especially of the humorous or flippant kind, to cause offence to some Muslims, ultimately leading to *takfīr* and death threats. Focusing mainly on the notorious ʿAbbāsīd poet Abū Nuwās (d. in or after 198/813), he examines the literary motifs that would qualify as expressions of unbelief (*kufriyyāt*), the ways in which legal scholars treated these statements, their possible consequences (the death penalty was usually averted), and the discrepancy between

legal theory and practice. Szombathy shows that accusations of *kufir* tended to be opportunistic excuses for avenging oneself under cover of righteous indignation. He concludes that the wide range of medieval juridical opinions can roughly be split into two general approaches which differ in the extent to which they allow authorial intention to be considered as a legally relevant factor: whereas the formalists take the statements at face value, the interpretive approach accepts authorial intent as a factor in deciding the seriousness of the statement and hence its repercussions.

Michael Ebstein's article, finally, deals with the opposite of *takfir*, that is: a liberal and tolerant attitude to those who do not share one's beliefs, resulting from a universal approach that regards religious and social differences as inconsequential. As representatives of this humanistic attitude, characteristic of many mystical traditions worldwide, Ebstein presents the famous Ṣūfī Ibn al-ʿArabī—also referred to by Rizvi—and the elusive Ismāʿīlī Ikhwān al-Ṣafā or Brethren of Purity (10th century CE), who were opposed to polemics and disputations as they could ultimately lead to *takfir* of one's opponents. According to the Ikhwān, in order to gain proximity to God one must distance oneself from religious disagreements, fanaticism, zealotry or bigotry. And since there is a measure of truth in all religions, knowledge should be sought from all possible sources. Ebstein shows that a similar pluralistic view and aversion to *takfir* may be found in the works of the Andalusī mystic.

PART 1

Takfīr *through Islamic History*



SECTION 1

*The Early Period (First/Seventh–Fourth/
Tenth Centuries)*

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Self-defining through Faith: The *walāya* and *barā'a* Dynamics among the Early Ibādīs

Ersilia Francesca

The ethical principles of the Ibādī movement within Islam reveal a rigorous conception of life and faith. Sinful actions entail the loss of the state of purity and render the sinner unfit to participate in religious rites. This moral austerity leads the Ibādīs to reject any kind of innovation, laxity or modern ideas and to interpret the ancient precepts in the most rigorous fashion. Salvation can only be achieved through prayer, pious living and hard work.

Ibādīs show a strong cohesion as a group set apart, which has its dogmatic basis in the concepts of *walāya* and *barā'a* (“association” and “dissociation”), that is, the duty of friendliness towards individuals who carry out the precepts of religion in a satisfactory manner and, conversely, the duty of hostility towards those who do not deserve to be called believers.¹ The doctrine of *walāya* and *barā'a* has its counterpart in mainstream Sunnī belief only as regards the general duty of solidarity with the faithful and hostility toward infidels.

In the Ibādī manuscript tradition, the first statements on *walāya* and *barā'a* can be found in the *Futyā al-Rabī' b. Ḥabīb*, a collection of traditions and *fat-wās* ascribed to the Baṣran imām al-Rabī' b. Ḥabīb (d. between 180/796 and 190/806). The tradition relates the opinion of 'Abd Allāh b. 'Abd al-'Azīz and Abū l-Mu'arrij 'Amr al-Sadūsī, two Ibādī authorities from the late second/eighth century, concerning the status of the believer who wipes his shoes instead of washing his feet as part of ablution (*wuḍū'*). They were inclined to put him in an intermediate stage between that of the true believer and that of the unbeliever, because the question of the legitimacy of *mashī* was still being debated among Ibādī authorities.

I asked 'Abd Allāh [b. 'Abd al-'Azīz] and 'Amr [Abū l-Mu'arrij 'Amr al-Sadūsī] about the one who wipes over his feet [instead of washing them]. He answered: “We do not consider him a true Muslim [i.e. an

1 The doctrine of association and dissociation among the Ibādīs is discussed in Ennami, *Studies*, pp. 193–225. See also Hoffman, *Essentials*, pp. 156–211. The Ibādī attitude towards major and minor sins is discussed in Ibn Idrīsū, *al-Fikr al-'aqadī*, pp. 394–455.

Ibādī]. I said: "And if he wipes over his shoes, do you dissociate from him (*tabra'ūna minhu*)?" He said: "No, we don't, because *ḥadīth* and *riwāya* relate that the Messenger of God practiced the *mash*." I said: "But this was before the revelation of *Sūrat al-Mā'ida*.² The revelation of *Sūrat al-Mā'ida* abrogated the wiping over the shoes and the Messenger of God did not practice it anymore". He said: "Amr told me that the Qur'ān can abrogate only the Qur'ān and can be abrogated only by the Qur'ān. He also told me that as the *mash* is not mentioned in the Qur'ān, it could not be abrogated by *Sūrat al-Mā'ida*. Therefore, I prefer to suspend judgment (*waqafa*) concerning the one who wipes over his shoes, instead of dissociating from him (*barā'a*), because the question is not clear".³

Some decades later the Ibādī jurists will decide to dissociate from him. The doctrine of *walāya* and *barā'a* started to be developed during the imamate of Abū 'Ubayda (who died during the caliphate of al-Manṣūr, about 136/754–158/775). At that time, the Ibādīs actively debated the question of whom to accept as a member of their community and whom to reject. They progressively abandoned the quietistic behaviour of the preceding generation which deemed it lawful to treat other Muslims as co-religionists and held it lawful to intermarry with them, inherit from them and also eat the meat of animals slaughtered by them. This quietistic attitude to other Muslims is expressed by early Ibādī authorities, such as 'Abd Allāh b. Ibād⁴ and Sālim b. Dhakwān, who are both credited with epistles on the Ibādī creed.⁵

By contrast, according to a tradition related by Abū l-Mu'arrij 'Amr al-Sadūsī, Abū 'Ubayda strongly censured an Ibādī who gave his daughter in marriage to a non-Ibādī man, justifying this decision by the fact that he was wealthy.⁶ The doctrinal effect of this tradition is significant: the Ibādīs regarded forbidding wrongdoings as a matter of overriding importance for the welfare of the com-

2 See Qur'ān 5: 6.

3 *Futūḥ al-Rabī' b. Ḥabīb*, MS *al-Bārūniyya, Fiqh Ibādī* (without number), p. 40 l. 14. See also al-Khurāsānī, *Mudawwana*, vol. 1, p. 24.

4 A Tamīnī of Basran origins, he was the eponym of the school. According to some traditions this occurred in 65/684–85, when 'Abd Allāh b. Ibād broke away from the Khārījīs over the attitude to be adopted towards the other Muslims.

5 Crone/Zimmermann, *Epistle*, pp. 196–197. On Ibn Ibād's epistle see Rubinacci, "Il Califfo 'Abd al-Malik b. Marwān," pp. 99–121; Cook, *Early Muslim Dogma*, pp. 51–67.

6 al-Khurāsānī, *Mudawwana*, vol. 2, p. 12. As regards terminology, al-Khurāsānī, as other early Ibādī authorities, refers to Ibādīs as 'Muslims' and speaks of non-Ibādī Muslims as '*qawmunā*'. In this case, he refers to the non-Ibādī man as '*rajuḥ min qawminā min al-munāfiqīn*' and '*rajuḥ min al-fussāq*'.

munity and imposed unhesitating and unwavering obedience to the principles of the movement on their members.

During the imamate of Abū ‘Ubayda, an underground organization was created to pass on religious teachings to members and to train missionaries (*ḥamalāt al-‘ilm*) who were sent to the furthest borders of the Muslim world with the intent to proselytize. The *walāya* and *barā’a* doctrine ensured the growth of the movement as it was both a tool for cohesion and a means of control over its members. In this early stage, *barā’a* meant that dissidents were expelled from the Ibādī community and readmitted only after formal repentance (*tawba*).⁷ The Ibādī sources contain much relevant information on the early application of the *walāya* and *barā’a* dynamics. Such dynamics emerged, for example, during the controversy between Abū ‘Ubayda and the Ibādī scholar Ḥamza al-Kūfī on the matter of divine decree (*qadar*), the latter having accepted the thesis of Ghaylān al-Dimashqī that good comes from God while evil comes from man. First, Ḥamza al-Kūfī was invited to the house of Ḥājib al-Ṭā’ī⁸ to discuss the matter. Both Abū ‘Ubayda and Ḥājib al-Ṭā’ī, who opposed the Qadarite ideas, tried to convince him to abandon this dogmatic position but, afterwards, when they heard that Ḥamza continued to preach his views, they called the members of the movement to a general meeting in which Abū ‘Ubayda declared *barā’a* from Ḥamza and his followers and expelled them from the community.⁹

1 The Political and Religious Implications of the *walāya/barā’a* Dynamics

The *walāya/barā’a* doctrine was followed by Ibādīs as a religious and social obligation; nonetheless, it had several political implications, in particular in defining the Ibādī attitude towards the first *fitna*, i. e. the first major civil war (656–661 CE) which split the Muslim community. Therefore, the *walāya/barā’a* system not only decided the membership of the community, but also defined the Ibādī attitude towards Sunnīs and Shī‘īs.

⁷ Wilkinson, *Imamate Tradition*, p. 163.

⁸ He was one of the most prominent Ibādī authorities from the 2nd/8th century. The Ibādī sources—which always quote his name along with that of Abū ‘Ubayda—credited him with various epistles and letters on questions relating to Ibādī doctrines.

⁹ al-Darjīnī, *Ṭabaqāt*, vol. 1, pp. 231f.; al-Shammākhī, *Sīyar*, p. 85. See Ennami, *Studies*, pp. 211f.; Wilkinson, *Ibādism*, pp. 221–223.

The Ibāḍīs recognized the authority of the Prophet and his first two successors, Abū Bakr and ʿUmar; they also acknowledged the first six years of the caliphate of ʿUthmān and the rule of ʿAlī until he accepted arbitration. The Umayyad caliphs were considered illegitimate and as such were regarded as tyrants who deserved *barāʾa*.

Among the Companions who deserved *barāʾa* were Ṭalḥa b. ʿUbayd Allah and Zubayr b. al-ʿAwwām, who broke the pledge of allegiance and fought against the legitimate caliph, ʿAlī. Although she took part in the strife and was present in the Battle of the Camel, ʿĀʾisha was exempted from *barāʾa* as she repented from her sins. The caliph ʿAlī also incurred *barāʾa* for accepting the arbitration of men in a matter that had already been decided by the Qurʾān. Muʿāwiya and ʿAmr b. al-ʿĀṣ incurred *barāʾa* for their rebellion against ʿAlī, the legitimate ruler.

According to the general rule, true believers must declare *barāʾa* from tyrants and their followers and they must not take any of them as an associate (*wālī*). Any country governed by tyrants and unjust rulers must be declared a land of tyranny and injustice. Tyrants are those who rule the people by force and do not comply with the rules of *sharʿa*, they live in luxury, drink wine and wear silk. The Ibāḍī sources indicate Ziyād b. Abī Sufyān and al-Ḥajjāj b. Yūsuf as examples of such tyrants.¹⁰

A serious threat to the rigorous Ibāḍī position was represented by the early Murjiʿites who propounded the doctrine of suspended judgment over the fate of sinners in the afterlife and over the first *fitna*. This was wholly contrary to the Ibāḍī view on ʿUthmān and ʿAlī and their rejection of the Umayyad dynasty. Sālim b. Dhakwān disputes the Murjiʿite attitude towards the first and second *fitna* and particularly the fact that they suspended the judgment on the first schism for not having experienced it as it happened before their time. He argues that the Murjiʿites do not rely on fundamental Islamic principles but rather on their own criteria and therefore are themselves guilty of unbelief (*kufr*).¹¹

The discussion on Murjiʿism was crucial among Ibāḍīs and some Murjiʿite ideas penetrated into the movement and were propagated by Hārūn b. al-Yamān (third/ninth century), causing a serious split in the Ibāḍī community in the Mashriq. Hārūn propounded a very tolerant attitude to *walāya* and *barāʾa*, branding as unbelievers only those committing sins deserving *ḥadd* punishment in this world and hell in the next. He recognized an intermediate position (the *manzila bayn al-manzilatayn*) for people committing sins that his

10 Ennami, *Studies*, pp. 213–215; Crone/Zimmermann, *Epistle*, pp. 40–145, esp. 106ff., 114ff., 122–131, 140ff.

11 Crone/Zimmermann, *Epistle*, pp. 114–117.

predecessors, such as Abū Ayyūb, considered to be major. Furthermore, Hārūn tied the faith to individual piety (*taqwā*) rather than to the strict interpretation of religious observances.

Hārūn's doctrine is recorded in his correspondence with the imām Muḥannā b. Jayfar (r. 226–237/841–852) and in the fierce confutation by Abū Sufyān Maḥbūb b. al-Ruḥayl (or al-Raḥīl, d. 260/873) in his letters to the Omanis and Hadramis.¹² Abū Sufyān's letters are ferociously outspoken in their polemic against Hārūn: it is clear that the fundamental issue was to take a clear stance over the status of the sinner which was challenged by the Mu'tazilī and Murjī'ite concepts of indecision (*shakk*) and suspended judgement (*wuqūf*). Abū Sufyān confuted Hārūn's division of sins into major and minor sins and rejected his idea of suspending judgment on persons whom the earlier generations had accorded *walāya* or *barā'a*. The main focus of dispute was that Hārūn was propagating a real heresy borrowing from Murjī'ism and its notion of *shakk*, Mu'tazilism with its *manzila bayn al-manzilatayn* and the doctrine that what is good comes from God and what is bad from man, and Qadarism with the debate on free will.¹³

Some of these doctrines represented a serious challenge to the *da'wa* and to the Ibāḍī attitude towards the Umayyad caliphate. Indeed, the doctrine of association and dissociation attacked the very basis of caliphal authority as represented by Umayyad authority; it undermines the privileged position occupied by the Arabs, and the position of the Umayyads who relied on Arab support.

The *walāya/barā'a* principle defined the membership of the community on the basis of faith alone; leadership stemmed from personal excellence, and the confidence which the community places in its imām constitutes his authority. The Ibāḍīs supported the principle that any Muslim of irreproachable character could be elevated to the supreme dignity of imamate, even if he was "an Abyssinian slave whose nose has been cut off".¹⁴ Such an egalitarian doctrine had enormous appeal for underdogs. As Wilkinson pointed out, it is not surprising to find that the '*ulamā'* who were the first to formulate it were from the humblest Baṣran backgrounds: Ja'far b. al-Sammāk, son of a fisherman (variant Sammān, butter merchant), Abū Nūḥ Ṣāliḥ al-Daḥḥān, the painter/greaser,

12 *al-Sīyar wa-l-jawābāt*: vol. 1, pp. 273–304: *Sīrat Maḥbūb b. al-Ruḥayl ilā ahl 'Umān fī amr Hārūn b. Yamān*; vol. 1, pp. 305–312: *Sīrat Maḥbūb b. al-Ruḥayl ilā ahl Ḥaḍramawt fī amr Hārūn b. Yamān*; vol. 1, pp. 323–336: *Risālat Hārūn b. al-Yamān ilā l-imām Muḥannā b. Jayfar*.

13 Wilkinson, *Imamate Tradition*, pp. 164f., idem, *Ibāḍism*, pp. 231–235.

14 On the origins of this tradition, see Crone, "Even an Ethiopian slave," pp. 59–67; see also Savage, "Survival through Alliance," p. 6.

and Abū 'Ubayda Muslim, a basket weaver (*qaffāf*) who was a *mawlā* of the Banū Tamīm.¹⁵

2 The *walāya/barā'a* Principle and the Struggle for the Imamate

From the overall tone of the letters of the early Ibādī scholars, it is clear that the *walāya/barā'a* principle reflects specific political and historical conjunctions. Not only does it define the community's attitude to other Muslims, but the internal schisms are connected to this question as well. Ibādī sources frequently linked the question of *walāya* and *barā'a* to the imamate: they enjoined obedience to the righteous imām and commanded dissociation from an imām who commits sins and fails to forbid wrong.¹⁶

The religious and political unity of the Ibādīs was broken at a fairly early date by a number of schisms. Investigating the *walāya/barā'a* principle throughout Ibādī history, may be observed that a number of adherents broke away from the community and formed their own groups. In the Eastern as well as in the Western Ibādī sources, the link between *walāya/barā'a* and political power remains prominent. Religious duties are associated with political activism, rebellion against unjust rule and the exercise of authority by the legitimate imām. The Ibādīs developed a concept of a community founded on the moral obligations of piety and rectitude, where leadership was based on religious knowledge (*ilm*), consultation and consensus within the community.¹⁷

Shabīb b. 'Aṭīyya, a leading figure among the Omani Ibādīs in the mid-second/eighth century, has left a long and impassioned epistle, mainly directed against the quietistic tradition of mainstream Islam which rejected the struggle for justice, in which he discusses the nature of the imām's authority and the right of the community to depose him when he incurs *barā'a* for having committed sins or having failed to guide the community according to the principles of religious law.¹⁸

After the death of Julandā b. Mas'ūd (134/752) and the collapse of the imamate in Oman, Shabīb b. 'Aṭīyya emerged, along with Khalaf b. Ziyād al-Baḥranī.

15 Wilkinson, "Early Development," p. 137.

16 See, e.g., Muḥammad b. Maḥbūb, the son of Abū Sufyān Maḥbūb b. al-Ruḥayl, in a letter to the Maghribī Ibādīs, *al-Siyar wa-l-jawābāt*, vol. 2, pp. 242–245.

17 Savage, "Survival through Alliance," pp. 15f.

18 *al-Siyar wa-l-jawābāt*, vol. 2, pp. 346–382. Cf. Cook, *Early Muslim Dogma*, p. 57; idem, *Commanding Right and Forbidding Wrong*, p. 395. For a general assessment of the Ibādī imamate tradition, see Gaiser, *Muslims, Scholars, Soldiers*.

Shabīb presided over a residual Ibādī state but disappeared from the scene when a new “Sultan”, Mūsā b. Abī Jābir (d. 181/797), appeared.

His case was discussed with al-Rabīʿ in Baṣra and it became a matter of *walāya* or *barāʿa*, with the main Omani scholars finally deciding to dissociate from Shabīb and his supporters.¹⁹

The question of *walāya* or *barāʿa* due to the ruler arises in the Omani sources dealing with a further controversial issue connected to the collapse of central rule and the beginning of a civil war: the deposition of the imām al-Ṣalt b. Mālīk and the role of judge Mūsā b. Mūsā in the affair. Al-Ṣalt b. Mālīk (r. 237/851–272/856) was removed from office by Mūsā b. Mūsā who set up Rāshid b. al-Nazr/Naḍr al-Fajhī as imām; the latter was in turn deposed in 277/890 and replaced, again by Mūsā, with ʿAzzān b. Tamīm al-Kharūṣī, who was killed by an ʿAbbāsīd invading force in 280/893. Al-Ṣalt’s deposition was arranged by the Nizwā party who gave allegiance to Rāshid b. al-Nazr. Al-Ṣalt retired to his tribal homeland where he lived peacefully with his son until his death three years later. In any case, the opposing party did not confront him with his wrong behaviour nor did it give him the chance of public repentance (*tawba*). Moreover, Mūsā not only removed a properly elected imām, but he chose a new leader who was elected by part of the *ʿulamāʾ* only, so that he did not enjoy general consensus.²⁰

The al-Ṣalt affair raised a number of questions; it was true that al-Ṣalt, who had been ruling for thirty-five years, was losing control and taking wrong and irrational decisions, but the question of whether he was a just imām or not remains unsettled. Was his *kufʾ* demonstrated or not, and hence: was rebellion, *khurūj*, against him permitted or not? The point at issue was what position the community should take. The deposition of the imām al-Ṣalt divided Oman for centuries and was examined retrospectively using the *walāya/barāʿa* principle. The issue between the Nizwā and Rustāq parties, which emerged after the al-Ṣalt affair, was about deciding who merits *walāya* or *barāʿa*.

The scholar Abū l-Ḥawārī (late third/ninth century), author of a famous *Tafsīr* who joined the Rustāq party, wrote a letter to the Hadramis in which he refrained from directly polemicizing against Mūsā, though remaining resolute about declaring *barāʿa* against the two imāms instated by him.²¹

19 Wilkinson, *Ibādism*, pp. 241f.

20 Wilkinson, *Imamate Tradition*, p. 10; idem, *Ibādism*, pp. 322f. *Sīra li-baʿḍa fuqahāʾ al-muslimīn ilā l-imām al-Ṣalt b. Mālīk*, in *al-Sīyar wa-l-jawābāt*, vol. 1, pp. 181–228. The epistle, written probably long before his deposition, discusses the question of just revolt.

21 Abū l-Ḥawārī was probably influenced by his teacher Abū l-Muʿthir; see below. See *Sīrat Abī l-Ḥawārī Muḥammad b. al-Ḥawārī al-ʿUmānī ilā ahl Ḥaḍramawt*, in *al-Sīyar wa-l-jawābāt*, vol. 1, pp. 337–365. Wilkinson, *Ibādism*, p. 337.

The rules of *walāya* and *barā'a* took on a new dimension with the Rustāq-Nizwā party dispute which had immense effects on the history of the imamate in Oman. *Walāya* and *barā'a* were bound up with problems concerning the soundness of doctrine, the reliability of sources and early schisms. They took the form of a structured doctrine and formal dogma, according to which individuals, schools and rival groups were classified and eventually rejected. The origins and development of the dispute have been examined at length by Wilkinson, who points out that the main sources for the events are those of the Rustāq party which maintain that the deposition of the aged imām al-Ṣalt b. Mālik was illegal.²² Therefore they excommunicated the party of Mūsā b. Mūsā and established line of Rustāq teachers in which tribal relations certainly contributed to determine their extreme views.

Among the first generation members of the Rustāq party was Abū l-Mu'thir al-Ṣalt b. Khamīs al-Kharūṣī. He is credited with two treatises relating to the dispute: *al-Aḥdāth wa-l-ṣifāt*, written during the imamate of Rāshid, which is largely concerned with the supposed facts relevant to the argument, and the well-known *Kitāb al-Bayān wa-l-burhān* dealing with the Nizwā views. A younger contemporary of Abū l-Mu'thir, Abū Qaḥṭān (Khālīd b. Qaḥṭān), joined his opposition to Mūsā b. Mūsā and the imām he set up, Rāshid b. al-Naḍr. In his *Sīra* dedicated to the Ibādīs of Oman, Abū Qaḥṭān pursued events further back than Abū l-Mu'thir, down until the imāms that appeared after the Civil War. He proved the illegality of al-Ṣalt b. Mālik's removal arguing that Mūsā b. Mūsā and his supporters had deposed him without explaining why or offering him the chance to repent.²³

Abū Qaḥṭān, like Abū l-Ḥawārī, adopted a more balanced attitude to the al-Ṣalt affair, admitting some of the imām's faults and suggesting that he had become senile, although there was no evidence that he had lost his faculties. It was only in the third generation of Rustāq scholars, with Ibn Baraka (mid fourth/tenth century) and his major disciple Abū l-Ḥasan al-Bisyāwī or al-Bisyānī, that the party succeeded in imposing a rigid dissociation from Mūsā b. Mūsā and his two imāms on the Omanis. These scholars made a stirring declaration of dissociation from Mūsā and his followers: the al-Ṣalt affair was totally clear, he was a legitimate imām, his *kufr* was not demonstrated, so *khurūj* against him was not permitted nor was dissociation from him. Therefore, whoever had suspended judgment on him (*wuqūf*) should be excommunicated, as it was not correct to suspend judgment when the evidence is clear or has been decided by reliable predecessors.

22 Wilkinson, *Imamate Tradition*, pp. 166–168; idem, *Ibādism*, pp. 336–343.

23 *Sīra tunsab ilā Abī Qaḥṭān Khālīd b. Qaḥṭān*, in *al-Sīyar wa-l-jawābāt*, vol. 1, pp. 81–147.

Their polemic was directed against the Nizwā party which developed a moderate attitude towards al-Ṣalt b. Mālik and suspended judgment arguing that the opinions of the scholars on the affair were so diverse that it was almost impossible for following generations to know the real truth. The Nizwā arguments were discussed by Abū Saʿīd al-Kudamī (fourth/tenth century) in his *Kitāb al-Istiḳāma*, which was an attempt to call to unity within the community. His main arguments were that, since the leading scholars of the time of Mūsā were in conflict about the deposition of the imām al-Ṣalt b. Mālik and that no new facts could be established, suspending judgment was the only correct position to adopt.

As Wilkinson has demonstrated, the Rustāq-Nizwā polemic is a label for a dogmatic dispute over the nature of the imamate. In such a polemic, the use of the *walāya*/*barāʾa* doctrine was crucial to define arguments supporting their own views and to marginalize political as well as religious adversaries. It endowed the community (represented by the *ʿulamāʾ*) with the power to choose, monitor and potentially depose the imām.

3 The Chapter on *walāya* and *barāʾa* in the *Kitāb al-Jāmiʿ* by Ibn Jaʿfar

A further fundamental implication of the *walāya*/*barāʾa* dynamic was in defining the membership of the Ibāḍī community. In order to discuss this issue, I now turn to the chapter on *walāya* and *barāʾa* in the *Kitāb al-Jāmiʿ* of the Omani scholar Ibn Jaʿfar al-Izkawī (third/ninth century), which represents one of the oldest sources in which the doctrine is fully examined. From this century onwards, virtually all major Ibāḍī *fiqh* works contain a book or lengthy chapter devoted to this subject.²⁴

Ibn Jaʿfar was a leading figure of the first generation of the Nizwā school, supporting the deposition of the Imām al-Ṣalt. He came from Izki, the homeland of the Mūsā family, and had problems with al-Ṣalt after being removed two months after being appointed in charge of Sohar (Ṣuḥar). The appointment had obvious advantages: not only was a post as governor a major responsibility, it also entailed the chance for personal enrichment and patronage, as Sohar was one of the main centres of the Omani overseas commerce.²⁵

The al-Ṣalt affair is not central in Ibn Jaʿfar's chapter on *walāya* and *barāʾa*, which is almost totally devoted to clarifying the rules concerning the status of the believer and the circumstances in which he deserves *walāya* or *barāʾa*.

²⁴ Ibn Jaʿfar al-Izkawī, *Jāmiʿ*, vol. 1, pp. 147–253.

²⁵ Wilkinson, *Ibāḍism*, p. 322.

According to Ibn Ja'far, *walāya* was obligatory towards 1) the faithful in general; 2) those who are praised in the Qur'ān; 3) a righteous imām; and 4) individuals who carry out the precepts of religion in a satisfactory manner. Conversely, *barā'a* was obligatory against 1) infidels in general; 2) those blamed by the Qur'ān; 3) an unjust imām.

Against the members of the Ibādī community, *barā'a* takes place in the following circumstances: 1) when a person has committed a major sin or persisted in committing a minor sin; 2) when the believers see a person committing a major sin or persisting in committing a minor sin; 3) when two persons of integrity testify that a certain individual has committed a major sin or persisted in committing a minor sin.

In order to understand the term major sin, Ibn Ja'far gives some examples: major sins (*kabā'ir*) are those incurring severe punishment on earth and deserving chastisement for the perpetrators in the afterlife, such as stealing, committing adultery, drinking wine, eating pork, practicing usury. Sin implies the misbelief (*kufr*) of its perpetrator and banishment from Ibādī community as long as he remains dissident (*mukhālif*) and does not repent. The community must declare *barā'a* against him, but no one has the right to kill him or to appropriate his wealth.²⁶

Suspending judgment over the behaviour of a sinner is not admitted if this sinful behaviour has been confirmed by the testimony of at least two people of integrity, except in the case where someone commits a major sin without knowing it, for example if he ate pork but was unaware what it was.

As regards *walāya*, Ibn Ja'far's discussion brings out a number of facts: the polytheist (*mushrik*) who converts to Islam brings his children to Islam and they are entitled to *walāya* like their father. On the question of *'adāla* (the quality of religious probity and moral integrity which a witness must possess for his testimony to be admissible), only the testimony of the Ibādī deserving *walāya* is admissible in all cases. With regard to *zakāt*, he held that it must be given only to the Ibādī poor deserving *walāya*. In matter of performing *hajj* on behalf of another person, the Ibādī must not perform the pilgrimage for another person unless he is of *ahl al-walāya*.

26 The issue of sin begins to be discussed among the Ibādīs at the beginning of the third/ninth century. Early sources equate sin with misbelief (*kufr*). Al Salimi, "Themes," pp. 483f.

4 Conclusion

Early Ibāḍī sources provide valuable insights into Ibāḍī political and social history and the disputes within the community over dogma. The feature that stands out from earlier theological compilations appears to be the emergence of divergent and separate dogmatic views within the community with their accompanying literature. The system of association and dissociation (*walāya* and *barāʾa*) was crucial in Ibāḍī discourse over dogma and belief.

The earliest propositions of Ibāḍism in late second/eighth century Baṣra attempt to place the believer in a direct relationship to God. Ibāḍism attaches great importance to religious principles that stress the responsibility of the individual, such as the obligation of ‘promoting good and preventing evil’ and the conception of the relationship between works and faith. In Ibāḍī sources from the fourth/tenth century, *walāya/barāʾa* is clearly linked with the principle of forbidding wrong. The Omani scholar al-Bisyānī connects the principle of forbidding wrong with the doctrine of association and dissociation, since affiliation is owed to those who are obedient to God’s commands, and dissociation is due to anyone who openly commits acts of disobedience to God. Later authors maintain this linkage.²⁷

Although according to these principles the Ibāḍī doctrine seems to focus on the individual and his own belief, Ibāḍism in its development is never divorced from the overwhelming role of the community, represented by the *ʿulamāʾ*. The community’s power was expressed in religious terms through the *walāya/barāʾa* dynamic. The system of *walāya/barāʾa* strengthened the feeling of being a member of a closed community and influenced Ibāḍī jurisprudence in many respects.

First of all, the Ibāḍīs developed their own line of transmission which formed ‘the tradition of our companions’ (*āthār aṣḥābinā*) and certain of these figures were inviolable. No one could retrospectively question their authority as formulators of the Ibāḍī doctrine.

The Ibāḍī school is characterized by a strong concern with the moral conduct of its followers. The law should be observed in letter and spirit. An example of this appears in the acts that cause the breaking of fasting and ablutions, among which only the Ibāḍīs include immoral acts such as telling lies, listening to calumny or music, or looking at unrelated women.²⁸

The Omani sources emphasize, at the time of the civil war that brought to an end the First Imamate, that there was no divergence over *walāya* and *barāʾa*

²⁷ Cook, *Commanding Right and Forbidding Wrong*, pp. 393–426.

²⁸ Ennami, *Studies*, pp. 218–220, 244f.

and that both were applied according to principles valid over generations. But as the nature of the Ibādī community clearly demonstrates, the leading *‘ulamā’* of each generation had the right to interpret the law and intervene in the theological debate. They took decisions about *walāya* and *barā’a*, defined the rules regulating the membership of the community, and could decide under which conditions a political leader was a just *imām*, or was unjust and as such could be deposed. The *‘ulamā’* made up an active political organization in Omani history, attempting to influence the constitution of the imamate. After the first generation of missionaries trained in Baṣra, and as soon as the imamate became established, the *‘ulamā’* developed their own local centre. At times they helped to integrate the state with the tribal leaders, and other times they were themselves tribal leaders and therefore could influence the overall structure of the imamate.²⁹

As the controversial deposition of the Imām al-Ṣalt b. Mālik proved, the *‘ulamā’* became divided over the nature of the imamate and used the *walāya* and *barā’a* doctrine to substantiate their own political views.

Contrary to what the Ibādī sources sometimes claim, *walāya* and *barā’a* were dynamic principles changing over generations; they were defined not only according to the tradition of the ancestors but also following given political and social circumstances.

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Were the Umayyad-Era Qadarites Kāfirs?

Steven Judd

Modern scholars generally agree that the Umayyad-era Qadarites, those who advocated the doctrine of human free will, represented one of the earliest doctrinal schisms in Islam. Modern works typically describe the Qadarites as a “heretical” or “heterodox” movement, in contrast to their predestinarian opponents who were ultimately deemed “orthodox.”¹ However, medieval Arabic sources, both historical and religious, do not apply the term “*munāfiqūn*” (“hypocrites”) to the Qadarites. To understand how the medieval Muslim community viewed doctrinal divisions, it is important to investigate what scholars actually called the Qadarites, rather than simply applying the label of “heresy” indiscriminately. More specifically, it is important to determine whether early Muslim scholars considered the Qadarites to be *kāfirs*, or unbelievers. The *kāfir* label was not mere name calling, but had significant implications for how those identified as such were to be treated. The *kāfir* was one who had gone beyond mere error and had crossed the threshold to unbelief. As such, the *kāfir* was considered to be outside the community and his blood was deemed licit, since he had abandoned the faith.

Exploration of the question of whether or not the Qadarites were considered to be *kāfirs* is complicated and definitive answers are elusive. Like most topics in Umayyad history, any inquiry about the Qadarites is hindered by a lack of contemporary sources and by the fact that later sources are marred by polemical and/or panegyric tendencies, often reflecting later disputes. The centrality of the question of human free will to the Mu‘tazilites, whose popularity ebbed and flowed during the early ‘Abbāsid period, taints the reliability of accounts about Umayyad-era Qadarites. In addition, the logical complexities involved in formulating any coherent doctrine regarding the relationship between divine power and human free will, combined with the fact that the term “*qadar*” refers in some cases to human free will and in others to divine volition makes the discussion particularly tedious.

Despite the difficulties presented by both the topic and the sources, it remains an important exercise to explore whether Qadarite views constituted unbelief, or *kufṛ*, in the eyes of early Islamic thinkers. This paper will scrutinize

¹ See, e.g., Watt, *The Formative Period*, pp. 85ff., van Ess, “Les Qadarites,” p. 269.

a selection of the available sources, beginning with several heresiographical texts and other religious tracts addressing the issue of human free will. It will then turn to the historical and biographical sources to examine how prominent individuals accused of being Qadarites were treated, focusing on the actual consequences of adherence to Qadarite views. Finally, it will discuss what labels various sources attached to the Qadarites and the implications of the ambiguity about the Qadarites evidenced in the sources.

Sunni heresiographical sources offer a mixed view of the religious status of the Qadarites.² Abū l-Ḥasan al-Ashʿarī's (d. 324/935) *Maqālāt al-Islāmiyyīn* pays little attention to the Qadarites. Al-Ashʿarī classifies some alleged Qadarites under the Murjʿite category and others as Muʿtazilites. His discussion of their beliefs is generally descriptive and lacks pejorative or judgmental labels. For example, in his description of Ghaylān al-Dimashqī, arguably the most well-known Qadarite, he does not even mention his views on human free will, focusing on his definition of faith and other topics instead.³ When he does describe Qadarite doctrine in the context of other sects, he does not condemn it explicitly as *kufṛ*.⁴

ʿAbd al-Qāhir al-Baghdādī (d. 429/1037) in his *al-Farq bayn al-fīraq*, by contrast, explicitly labels the Qadarites as *kāfirs*, labeling each of the Qadarite Muʿtazilite subgroups' beliefs as *kufṛ*. He even begins his discussion of the "Qadarite Muʿtazilites" by explaining that each of the twenty sects he describes has committed *kufṛ*.⁵ In his descriptions of the individual Qadarite Muʿtazilite sects, he frequently calls the doctrine of human free will *bidʿa* and labels prominent Muʿtazilites as *kāfirs*.⁶ Even a casual reading of al-Baghdādī leaves no doubt that he considers Qadarite beliefs to be outside the parameters of Islam.

In his *Kitāb al-Milal wa-l-niḥal*, Muhammad b. ʿAbd al-Karīm al-Shahrastānī (d. 548/1153) takes a position between the extremes illustrated by al-Ashʿarī and al-Baghdādī. He begins his discussion with two prophetic *ḥadīths*, both presented without *isnāds*. The first declares the Qadarites to be the "*majūs*" of the *umma*; the second calls them opponents of God (*khasmāʾ Llāh fī-l-qadar*).⁷

2 Shiʿī heresiographical sources have been excluded from this study, since they disparaged non-Shiʿites in general, regardless of their views on human free will. Muʿtazilite heresiographical texts have also been excluded due to the uncertainty of the relationship between Muʿtazilites and Qadarites.

3 al-Ashʿarī, *Maqālāt*, p. 136.

4 See, e.g., al-Ashʿarī, *Maqālāt*, p. 477.

5 al-Baghdādī, *al-Farq*, p. 114.

6 al-Baghdādī, *al-Farq*, pp. 117–130.

7 al-Shahrastānī, *al-Milal wa-l-niḥal*, p. 48.

After making clear his rejection of the Qadarites, he then proceeds to offer a relatively matter of fact description of their beliefs, neither explicitly condemning them nor endorsing them.

The differences in the treatment of the Qadarites in these three Sunni heresiographical texts are significant for several reasons. First, they demonstrate that, even centuries after the Qadarites had faded into obscurity as an identifiable sectarian group, there was not yet agreement on their status as Muslims or *kāfirs*. While all three reject Qadarite views, they do so with varying intensity and their condemnations are sometimes juxtaposed with almost clinically bland descriptions of Qadarite doctrines. Second, the authors of these works typically subsumed the Qadarites under different categories, classifying them either as Murji'ites or as Mu'tazilites. This organizational scheme suggests that, while Qadarite doctrines remained important topics for discussion, by the fourth/tenth century, the Qadarites were not considered to be a distinct sectarian category. For the heresiographers, Murji'ites and Mu'tazilites were more relevant categories. To some extent, this organizational scheme may reflect the later centrality of the Mu'tazilites in sectarian discourse and their widely-perceived status as successors to the Qadarites. However, this emphasis on Murji'ites and Mu'tazilites is incongruous with the treatment Qadarite leaders received in the biographical and historical sources discussed in more detail below.

We now turn to three works specifically focused on refuting Qadarite views. The first of these, 'Umar b. 'Abd al-'Azīz's (d. 101/720) *Risāla fī al-Radd 'alā l-Qadariyya*, is preserved by Abu Nu'aym in his *Ḥilyat al-awliyā'*.⁸ The *Risāla* is generally considered to be an authentic early theological document. It was purportedly written in response to queries 'Umar had received about those who denied God's decrees. In it, 'Umar refutes Qadarite doctrines primarily through Qur'ānic references. Josef van Ess has addressed the content and provenance of the *Risāla* extensively.⁹ It is not essential to revisit the details of 'Umar's arguments against Qadarite views here. Instead, we shall focus more narrowly on 'Umar's judgment of whether the Qadarites were guilty of *kufīr*. In his *Risāla*, 'Umar does not refer to the Qadarites as *kāfirs* at any point. Rather, he labels them as "those who deny divine *qadar*" or, more pejoratively

8 Abū Nu'aym, *Ḥilyat al-awliyā'*, vol. 5, pp. 380–387. Van Ess published a critical edition of the *Risāla*, based on Abū Nu'aym and other sources in *Anfänge muslimischer Theologie*, pp. 38–54 (Arabic text).

9 van Ess, "Umar II and his Epistle against the Qadariya, pp. 19–26; idem, *Anfänge*, pp. 113–176.

“spread lies about *qadar*” (*takdhīb bi-l-qadar*).¹⁰ His refutation of the Qadarites includes references to *kufr*, but only in regard to divergent positions regarding whether God determines if someone is a believer or an unbeliever.¹¹ ‘Umar’s epistle is a refutation of Qadarite views, but not an assertion that Qadarites are outside the faith.

A second anti-Qadarite work, also published by van Ess, is a *Risāla* refuting the Qadarites attributed to al-Ḥasan b. Muḥammad b. al-Ḥanafīyya (d. ca. 101/720).¹² This work differs from ‘Umar’s *Risāla* in its structure and approach. It is essentially a long series of binary questions based on Qur’ānic citations that are designed to expose the contradictions inherent to the Qadarite position on various theological questions. Again, van Ess has analyzed the contents of the *Risāla* thoroughly and there is no need to repeat his analysis here.¹³ Instead, we will focus only on the narrow question of whether the Qadarites were considered to be unbelievers. Nowhere in the letter does the author specifically label the Qadarites as *kāfirs*, though he does assert that denying that God created speech and words constitutes *kufr* (and *shirk* and misrepresentation of what God revealed).¹⁴ However, this condemnation of a specific doctrinal tenet is not expanded into an explicit determination that the Qadarites were *kāfirs*. Al-Ḥasan’s Epistle is essentially a guide to refuting Qadarite doctrines. The author was clearly more concerned with the doctrines themselves than with the fate of those who adhered to them.

A third work dedicated specifically to the Qadarites, Ja‘far b. Muḥammad al-Firyābī’s (d. 300/912) *Kitāb al-Qadar*, is more explicit in its condemnation of the Qadarites themselves, as well as the doctrines they espouse. Al-Firyābī includes reports that reflect a greater degree of vitriol toward the Qadarites and suggest contempt not just for the doctrine, but for those who held it as well. For instance, one report describes ‘Umar b. al-Khaṭṭāb meeting with a Christian leader (*al-jāthalīq*). When the Christian disagrees with him about *qadar*, ‘Umar refers to him as “enemy of God” (*‘aduww Allāh*) and expresses his regret that he cannot break his neck.¹⁵ Muslims who embraced Qadarite doctrines were subject to similar abuse. Al-Firyābī reports several *hadīths* that explicitly condemn the Qadarites as non-Muslims. One, which appears in several minor variants,

10 Abū Nu‘aym, *Ḥilyat al-awliyā’*, vol. 5, p. 380.

11 See, e.g., Abū Nu‘aym, *Ḥilyat al-awliyā’*, vol. 5, p. 384.

12 Van Ess, *Anfänge*, pp. 11–37 (Arabic text).

13 Van Ess, *Anfänge*, pp. 1–112.

14 Van Ess, *Anfänge*, p. 14 (Arabic text).

15 al-Firyābī, *Kitāb al-Qadar*, p. 65.

makes acceptance of divine *qadar* a precondition for being a believer.¹⁶ Others state the same with slightly different wording.¹⁷ Another says that those who deny divine *qadar* (*takdhīb bi-l-qadar*), along with those who are recalcitrant or alcoholic, will not enter heaven.¹⁸

Al-Firyābī also includes a number of statements from esteemed early Islamic thinkers advocating violence against the Qadarites. Ibn ‘Abbās is featured prominently in these reports. In some, he threatens to break the Qadarite leader Ma‘bad al-Juhānī’s neck.¹⁹ In one, he says he would bite a Qadarite’s nose if he saw him. In another, he says he would pull a Qadarite’s hair.²⁰ In others, he simply refuses to talk to Qadarites, as did al-Ḥasan b. Muḥammad.²¹ Ibn ‘Abbās was not alone in prescribing physical violence toward the Qadarites. Al-Firyābī reports that Nāfi‘ b. Mālik, who was a student of al-Zuhrī and the uncle of Mālik b. Anas, slapped a Qadarite in the face.²² Wakī‘ b. al-Jarrāḥ, the famous student of al-Awzā‘ī and Sufyān al-Thawrī, advocates killing unrepentant Qadarites.²³ Others also condemn the Qadarites to death for their unbelief. Al-Firyābī repeats a statement from Abū Muḥammad al-Ghanawī that he asked five notable Basran scholars, namely Ḥammād b. Salama, Ḥammād b. Zayd, Yazīd b. Zarī‘, Bishr b. al-Mufaḍḍal, and al-Mu‘tamir b. Sulaymān about the Qadarites and all agreed that the Qadarites were *kāfirs* and *mushriks* and that their blood was licit.²⁴ Al-Firyābī also reports that the Basran grammarian al-Aṣma‘ī condemned the Qadarites as *kāfirs*.²⁵ These reports and others leave no doubt that, in al-Firyābī’s eyes, the Qadarites were *kāfirs*.

Al-Firyābī’s harsh stance is complicated by ‘Umar b. ‘Abd al-‘Azīz’s more lenient approach, exemplified by several statements in which he admonishes Qadarites but does not emphatically condemn them. Al-Firyābī reconciles his stance with ‘Umar’s by emphasizing ‘Umar’s generosity in offering Qadarites

16 al-Firyābī, *Kitāb al-Qadar*, pp. 138f.

17 al-Firyābī, *Kitāb al-Qadar*, pp. 142f.

18 al-Firyābī, *Kitāb al-Qadar*, p. 142.

19 al-Firyābī, *Kitāb al-Qadar*, pp. 176f. Variants of this report appear in other sources as well. See, e.g., Ibn ‘Asākir, *Ta’rīkh madīnat Dimashq*, vol. 59, p. 324.

20 al-Firyābī, *Kitāb al-Qadar*, p. 178.

21 al-Firyābī, *Kitāb al-Qadar*, pp. 177, 179.

22 al-Firyābī, *Kitāb al-Qadar*, p. 179; regarding Nāfi‘ b. Mālik, see al-Mizzī, *Tahdhīb al-kamāl*, vol. 29, pp. 290f.

23 al-Firyābī, *Kitāb al-Qadar*, p. 186.

24 al-Firyābī, *Kitāb al-Qadar*, pp. 185–186. With the exception of Ḥammād b. Salama, all were staunchly predestinarian scholars, some of whom had connections to the Umayyad regime.

25 al-Firyābī, *Kitāb al-Qadar*, p. 186.

an opportunity to repent. Only the unrepentant, such as Ghaylān al-Dimashqī (who will be discussed in more detail below) were to be put to the sword.²⁶ The combination of al-Firyābī's advocacy of harsh punishment for the Qadarites and his determination to invoke 'Umar b. 'Abd al-'Azīz makes the *Kitāb al-Qadar* a particularly intriguing work that appears simultaneously to reject and defend 'Umar's judgment.

While this has by no means been an exhaustive discussion of anti-Qadarite texts, this basic analysis of several important texts illustrates the variety of attitudes toward the Qadarites. Some texts focus almost exclusively on abstract doctrinal questions in an effort to distinguish between proper and improper beliefs. Others offer strategies for refuting Qadarite doctrines. Some texts do not even mention specific Qadarite opponents, focusing exclusively on the *kalām* rather than the *mutakallim*. Other texts are more obviously polemical, casting judgment not just on Qadarite beliefs, but on the Qadarites themselves. Al-Firyābī in particular names specific Qadarite leaders and condemns them as *kāfirs*.

How then does the discussion of doctrine found in these texts compare to what the historical and biographical sources report about the actual treatment of specific Qadarite thinkers and leaders? To what extent did the rhetoric of the religious and polemical texts manifest itself in real life during the Umayyad period? Dozens of Umayyad-era figures were accused of being Qadarites and they apparently had many more unnamed followers. Some accusations were obviously false, while others were sufficiently isolated to make it impossible to draw conclusions about them. The following discussion focuses on six well-known Umayyad-era figures who were accused of being Qadarites, with an emphasis on determining the consequences of these accusations and whether or not these consequences were consistent with an accusation of *kufr*. It goes without saying, that these six individuals are but a small sample and that they may not be representative of the Qadarite movement as a whole, such as it was.

Most historical and heresiographical sources name Ma'bad al-Juhani (d. 80/699) as the originator of Qadarite doctrine.²⁷ Reports to this effect derive almost exclusively from 'Abd Allāh b. 'Awn (d. 151/768) or from al-Awzā'ī (d. 157/774), both prominent Syrian predestinarian scholars of the late Umayyad and early 'Abbasid periods.²⁸ Various sources also associate Ma'bad with al-Ḥasan al-Basrī and members of the Umayyad elite. The sources agree

26 al-Firyābī, *Kitāb al-Qadar*, pp. 179–183.

27 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 59, pp. 312–326; al-Mizzi, *Tahdhīb al-kamāl*, vol. 28, p. 245; Ibn Ḥajar al-'Asqalānī, *Tahdhīb al-tahdhīb*, vol. 10, p. 226.

28 Regarding 'Abd Allāh b. 'Awn and al-Awzā'ī, see Judd, *Religious Scholars*, pp. 62–79.

that he was executed by al-Ḥajjāj b. Yūsuf, the governor of Iraq, though there is some disagreement regarding the impetus for his execution. One report suggest that he was executed for his purported involvement in Ibn al-Ash'ath's rebellion while most point to his Qadarite views as the cause for his condemnation.²⁹

Ma'bad's Qadarite views attracted condemnation from a variety of prominent figures. Al-Ḥasan al-Basrī reportedly told people to avoid his *majlis*, and Abū al-Sawwār al-'Adawī, the leader of the Banu 'Adī in Basra, ejected him from their mosque because of his Qadarite views.³⁰ Despite the threats, ostracism and probable execution for his beliefs, Ma'bad does not appear to have been specifically accused of being a *kāfir*, at least not in any extant sources. Instead, his detractors consistently identify him simply as a Qadarite.

Ma'bad's disciple, Ghaylān al-Dimashqī was subjected to more abusive polemics in the sources. This is probably because he led a larger Qadarite movement. Like Ma'bad he was intimately connected to the Umayyad elite and served in administrative posts for 'Umar b. 'Abd al-'Azīz. Ghaylān was executed for his Qadarite views sometime during the reign of Hishām b. 'Abd al-Malik. His trial and execution have been examined in great detail elsewhere, and those details do not need to be revisited here.³¹

The story of Ghaylān's demise has two essential, potentially contradictory elements for understanding whether Qadarites were to be considered *kāfirs* during Umayyad times. The sources generally agree that Ghaylān first faced questioning about his Qadarite views during the reign of 'Umar b. 'Abd al-'Azīz. 'Umar questioned him about his views and convinced Ghaylān to stop preaching about *qadar*. Whether Ghaylān abandoned his views after being corrected by 'Umar b. 'Abd al-'Azīz, or simply learned to keep quiet about them is not entirely clear. This initial encounter with 'Umar is important for several reasons, however. First, it demonstrates 'Umar b. 'Abd al-'Azīz condemning the Qadarites, but also showing mercy toward their leader while convincing him to change his ways. Second, despite its utility for polishing 'Umar's image, this narrative complicates efforts to define the religious status of the Qadarites. While not labeling him as either, 'Umar essentially treated Ghaylān as a heretic

29 For a more complete discussion of his execution and the debate over its impetus, see Judd, "Muslim Persecution of Heretics," pp. 4f.; van Ess, "Ma'bad al-Ḡuhānī," pp. 75–77; idem, *Theologie*, vol. 1, pp. 72–74.

30 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 59, pp. 322f.; al-Mizzī, *Tahdhīb al-kamāl*, vol. 28, p. 246; Ibn Ḥajar, *Tahdhīb al-tahdhīb*, vol. 10, p. 226; al-Dhahabī, *Sīyar*, vol. 4, p. 187; idem, *Ta'rikh al-Islām*, vol. 6, p. 201.

31 See, especially, Judd, "Ghaylān al-Dimashqī"; van Ess, *Anfänge*, pp. 177–245; idem, "Les Qadarites," pp. 269–286; idem, *Theologie*, vol. 1, pp. 73–75.

rather than as a *kāfir*. The heretic may hold erroneous beliefs out of ignorance or deception, but is still considered to be within the faith. The heretic can be rehabilitated and forgiven. By contrast, the *kāfir* cannot. The *kāfir* rejects the truth and is not just an erring believer, but an unbeliever. 'Umar's willingness to show mercy toward someone who would later be labeled as an unbeliever was problematic for later authors. To address this contradiction, al-Firyābī and others had to focus on the virtue of 'Umar's mercy without implying that he was naïve, or worse, that he tolerated Qadarites.

In contrast to 'Umar's mercy, Ghaylān attracted far more vitriolic condemnations from other contemporaries. Al-Awzā'ī specifically called him a *kāfir*; Hishām b. 'Abd al-Malik labeled him an enemy of God, and an assortment of obviously fabricated *ḥadīths* were circulated in which the prophet proclaimed Ghaylān to be worse than Satan.³² In Ibn 'Asākir's biography of Ghaylān, another report describes Mālik b. Anas condemning the Qadarites as non-Muslims.³³ In addition, Makḥūl al-Shāmī banished him from his *majlis* and advised others not to visit him if he became ill or attend his funeral if he died.³⁴ Other religious scholars praised Hishām for executing Ghaylān.³⁵ After his execution, a number of his followers, mostly unnamed, were sent into exile.³⁶

The treatment Ghaylān received at the hands of the authorities and of his peers is similar to that meted out to Ma'bad, only more intense. Whether this amplification reflects Ghaylān's greater prominence or stems from some particularly offensive nuance in his Qadarite views is hard to assess. It is also possible that the contrast between 'Umar b. 'Abd al-'Azīz's leniency and Hishām's determination to punish Ghaylān reflects a reevaluation of whether the Qadarites were *kāfirs* or mere heretics. Regardless, the historical and biographical sources ultimately concluded that Ghaylān's Qadarite views were *kufīr*.

Other Qadarite leaders did not attract official retribution, but still suffered condemnation. For instance, Thawr b. Yazīd (d. ca 150/767) was a Qadarite *muḥaddith* from Homs. His aberrant views were well known and he attracted particular enmity from al-Awzā'ī, who refused to shake hands with him and threw a book of *ḥadīths* transmitted by Thawr into the fire.³⁷ He also argued

32 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 48, p. 209, pp. 188–191.

33 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 48, p. 204.

34 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 48, p. 201.

35 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 48, p. 211f.

36 al-Ṭabarī, *Ta'rikh al-rusul wa-l-mulūk*, vol. 2, p. 1777.

37 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 11, pp. 191f.

all night with Thawr when he was en route to meet the new 'Abbāsīd governor 'Abd Allāh b. 'Alī shortly after the revolution.³⁸

Al-Awzā'ī was not the only one to reject Thawr because of his views. Sufyān al-Thawrī accused him of *bid'a* and slammed the door in his face. Others also refused to sit with him. More strangely, several reports indicate that Thawr was expelled from his native Homs because of his views. In some reports an angry mob ran him out of town and burned his house down.³⁹ This popular explosion of mob violence against a Qadarite was unique. Whether it implies that Thawr b. Yazīd was a *kāfir* or whether he had done something else to offend his neighbors is harder to determine. While Thawr was condemned for his Qadarite views, many scholars still accepted him as a reliable *muḥaddith*.⁴⁰ This suggests that he was not universally considered a *kāfir* and that his quality as a scholar outweighed his aberrant beliefs, at least in the eyes of some of his contemporaries.

'Awf b. Abī Jamīla (d. 146/763) also appears to have suffered extra-judicial abuse for his Qadarite beliefs.⁴¹ 'Awf was a respected *muḥaddith* who appears on several lists of Qadarites, including Ibn Qutayba's.⁴² Details of his activities and beliefs are sparse, but he was also accused of being a Shī'ite.⁴³ Dā'ūd b. Abī Hind, the well-connected predestinarian scholar, reportedly beat him for his Qadarite views.⁴⁴ There is no indication of any official approval of this beating, nor do the sources report any other consequence resulting from his Qadarite beliefs. He was widely accepted as a *muḥaddith* and taught *ḥadīth* to a number of staunchly predestinarian scholars in Basra. Ibn Ḥajar reports that some refused his *ḥadīths* because he was a Qadarite, but other sources do not.⁴⁵ 'Awf's status is further confused by his accusation that 'Amr b. 'Ubayd, the Mu'tazilite leader, had falsely accused him of shortening *isnāds*.⁴⁶ Oddly, this is the only biographical detail about 'Awf that Ibn Sa'd chose to report. It is not clear whether 'Awf really was a Qadarite, a Shī'ite or neither.

38 Ibn 'Asākir, *Ta'riḫ madīnat Dimashq*, vol. 35, p. 210.

39 Ibn 'Asākir, *Ta'riḫ madīnat Dimashq*, vol. 11, pp. 193–195.

40 Ibn 'Asākir, *Ta'riḫ madīnat Dimashq*, vol. 11, pp. 188–190; van Ess, *Theologie*, vol. 1, pp. 114–117.

41 Ibn Ḥajar, *Tahdhīb al-tahdhīb*, vol. 8, pp. 166f; al-Mizzī, *Tahdhīb al-kamāl*, vol. 22, pp. 437–441; Khalīfa b. Khayyāt, *al-Ṭabaqāt*, p. 376; van Ess, *Theologie*, vol. 2, pp. 55–56.

42 Ibn Qutayba, *al-Ma'ārif*, p. 625.

43 Ibn Sa'd, *al-Ṭabaqāt al-kubra*, vol. 7, p. 258.

44 Ibn Ḥajar, *Tahdhīb al-tahdhīb*, vol. 8, p. 167.

45 Ibn Ḥajar, *Tahdhīb al-tahdhīb*, vol. 8, p. 167.

46 Ibn Sa'd, *al-Ṭabaqāt al-kubra*, vol. 7, p. 258.

Several sources also name Qatāda b. Diʿāma, (d. ca 117/735) the famous blind *muḥaddith* as a Qadarite.⁴⁷ At some point, he purportedly rejected human free will, but it is unclear whether he actually severed ties to the Qadarites. However, there is no indication that his espousal of Qadarite views had any negative impact whatsoever. He was not persecuted or prosecuted in any way, nor were his *ḥadīth* reports rejected by predestinarian scholars. In fact, he even counted al-Awzāʿī, the most zealous persecutor of the Qadarites among his students. Qatāda's is a confusing case. On the one hand, the sources universally describe him as some sort of Qadarite, though often in vague terms. For instance, Ibn Sa'd simply reported that Qatāda "would profess somewhat Qadarite views" (*kāna yaqūlu bi-shay'in min al-qadar*) without further explication.⁴⁸ On the other hand, there is no indication that any of his associates, students, or later authorities cared about this accusation. Whether the accusation was false or whether Qatāda's *ḥadīth* corpus was sufficiently important to require later scholars to overlook his Qadarite associations is impossible to determine. It is also unclear why Ibn Sa'd and others continued to report that Qatāda was a Qadarite if the accusation was irrelevant.

Finally, the case of Wahb b. Munabbih (d. ca 110/728) is somewhat peculiar and deserves more attention than it has received, or will receive here.⁴⁹ Wahb was a Yemeni *muḥaddith* and an expert on the *qīṣaṣ al-anbiyā'*. Like some other Qadarites, he worked in the administration of 'Umar b. 'Abd al-'Azīz, serving as a *qāḍī* and as head of the *bayt al-māl* in Yemen.⁵⁰ Wahb reportedly wrote a book on *qadar*, which (of course) did not survive.⁵¹ However, after reading the revelations of seventy pre-Islamic prophets, he rejected his Qadarite views.⁵²

47 Ibn Qutayba, *al-Ma'ārif*, p. 625; Ibn Sa'd, *al-Ṭabaqāt al-kubra*, vol. 7, pp. 229–231; Ibn Hajar, *Tahdhīb al-tahdhīb*, vol. 8, p. 351–356; al-Mizzī, *Tahdhīb al-kamāl*, vol. 23, pp. 498–517; van Ess, *Theologie*, vol. 2, pp. 135–146.

48 Ibn Sa'd, *al-Ṭabaqāt al-kubra*, vol. 7, p. 229.

49 Ibn Sa'd, *al-Ṭabaqāt al-kubra*, vol. 5, p. 543; Ibn 'Asākir, *Ta'riḥ madīnat Dimashq*, vol. 63, pp. 366–403; Ibn Hajar, *Tahdhīb al-tahdhīb*, vol. 11, p. 168; al-Mizzī, *Tahdhīb al-kamāl*, vol. 31, pp. 140–162; al-Dhahabī, *Siyar*, vol. 4, pp. 544–557; van Ess, *Anfänge*, pp. 221ff; idem, *Theologie*, vol. 2, pp. 702–706.

50 Ibn 'Asākir, *Ta'riḥ madīnat Dimashq*, vol. 63, p. 380.

51 Ibn 'Asākir, *Ta'riḥ madīnat Dimashq*, vol. 63, p. 385; al-Mizzī, *Tahdhīb al-kamāl*, vol. 31, p. 147; al-Dhahabī, *Siyar*, vol. 4, p. 548.

52 Ibn 'Asākir, *Ta'riḥ madīnat Dimashq*, vol. 63, p. 386; al-Mizzī, *Tahdhīb al-kamāl*, vol. 31, p. 147; al-Dhahabī, *Siyar*, vol. 4, p. 549.

Some reports have him later condemning Qadarites for *kufṛ*. In others, he even denies ever writing a book about *qadar*.⁵³

Wahb's case is complicated by the fact that he appears in several *ḥadīth* reports condemning Ghaylān. In these obviously fabricated reports, the Prophet predicts that there will be someone named Ghaylān who will be worse than Satan for the community and someone named Wahb who will be a blessing.⁵⁴ If Wahb really was a Qadarite, these reports create confusion, suggesting there will be good Qadarites and evil ones. Further confusion is added by the fact that Wahb had a brother named Ghaylān, introducing the possibility that the *ḥadīth* reflects some sort of sibling rivalry, or at least a comparison between the two brothers. Adding further doubt, when these reports appear in the biographical sources, they are followed by criticisms of their weak *isnāds*, implying that the reports were fabricated.⁵⁵ Wahb, then, appears to have been a reformed Qadarite who was somehow associated with an unreformed Qadarite who shared a name with his brother. Adding yet another layer of confusion is a report in Ibn 'Asākir, Ibn Ḥajar, al-Dhahabī and other sources indicating that Yūsuf b. 'Umar, the notorious Umayyad governor of Iraq, beat Wahb to death.⁵⁶ This report usually appears among other accounts of his death date, without context or explanation. Only al-Dhahabī raises questions about its veracity, based on chronological problems.⁵⁷ This singular report raises several questions. Why would Yūsuf b. 'Umar kill Wahb? Is the report a fabrication? If so, what purpose did it serve? Why is there no explanation for the inclusion of this anomalous report? Was Wahb still considered a Qadarite, or did Yūsuf kill him for some other unmentioned offense? As it stands, the sources leave no definitive answer about whether or not Wahb remained a Qadarite, whether or not he ever was a Qadarite, and whether or not he was killed for this or another offense.

What, then can be learned from the experiences of these six alleged Qadarites? First, there is seldom absolute agreement about what individual Qadarites believed, or even whether they actually were Qadarites. Second, there is remarkable inconsistency in the consequences they faced as a result

53 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 63, p. 386; al-Dhahabī, *Sīyar*, vol. 4, pp. 550f.

54 Ibn Sa'd, *al-Ṭabaqāt al-kubra*, vol. 5, p. 543; Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 63, pp. 374–376; al-Mizzī, *Tahdhīb al-kamāl*, vol. 31, p. 144; al-Dhahabī, *Sīyar*, vol. 4, p. 546.

55 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 63, pp. 375f.; al-Mizzī, *Tahdhīb al-kamāl*, vol. 31, p. 144.

56 Ibn 'Asākir, *Ta'rikh madīnat Dimashq*, vol. 63, p. 401; Ibn Ḥajar, *Tahdhīb al-tahdhīb*, vol. 11, p. 168; al-Mizzī, *Tahdhīb al-kamāl*, vol. 31, p. 151; al-Dhahabī, *Sīyar*, vol. 4, p. 556.

57 al-Dhahabī, *Sīyar*, vol. 4, p. 556.

of their aberrant beliefs. These consequences ranged from trial and execution to mob violence to impunity. Third, in most accounts, there is evidence that repentance could spare the Qadarite from punishment and abuse. Even Ghaylān al-Dimashqī was offered the opportunity to recant his views. This is consistent with the position presented by al-Firyābī and ‘Umar b. ‘Abd al-‘Azīz, but also suggests that his Qadarite views did not automatically make him an irredeemable unbeliever. Fourth, the persecution of the Qadarites was not strictly an official, governmental endeavor. In addition to those discussed here, a number of other Qadarites were also deemed to be dubious *ḥadīth* transmitters solely because of their theological views. There are also consistent reports of reputable scholars ostracizing Qadarites and refusing to associate with them. In some cases, the unofficial response to the Qadarites extended to include acts of violence as well, as evidenced by the burning of Thawr b. Yazīd’s house and the purported beating to death of Wahb b. Munabbih.

Unfortunately, an answer to the question of whether or not the Qadarites were considered to be *kāfirs* remains elusive. While al-Firyābī offers arguments that Qadarite blood was licit and that their deviance made them unbelievers, the historical and biographical sources offer few examples of Qadarite blood actually being shed. The vitriolic rhetoric and disassociation described in most accounts remain a far cry from zealous determination to fight and kill anyone labeled as a *kāfir*. Indeed, there are only a few examples of individual Qadarites being called *kāfirs* at all.

Other pejorative labels appear more frequently. Qadarites are occasionally called enemies of God (*‘aduww Allāh*), despite the theological difficulties inherent to the term. On rare occasions, they are labeled as *zindīqs*. This term is also problematic, given its ambiguity and several different meanings, ranging from specific references to Manicheans and Zoroastrians to general labels for immoral outcasts.⁵⁸ In an Umayyad context, the term was most frequently applied to the libertine behavior of some of the staunchly predestinarian Umayyad caliphs. It is hardly justifiable to label both Ghaylān al-Dimashqī and the Umayyad caliph al-Walīd b. Yazīd, who used predestinarian justifications for his own excesses, as *zindīqs*. Interestingly, there appear to be no examples of the sources labeling the Qadarites as *munāfiqūn* (hypocrites) or drawing parallels to the rejectionists of the *rida* wars. Instead, the most common term attached to them is *takdhīb bi-l-qadar*, lying about or denying divine *qadar*. Arguably, this label could be seen as more descriptive than pejorative, since

58 The most complete discussion of the *zindīqs* in early Islam remains Chokr, *Zandaqa et Zindīqs*.

the Qadarites did indeed deny divine *qadar*. With rare polemical exceptions, the Qadarites do not appear to have been labeled as *kāfirs*.

This examination of the question of whether or not the Qadarites were considered to be *kāfirs* has several implications. First, both the historical and biographical sources exhibit a degree of ambiguity about the status of the Qadarites. Whether the Qadarites were believers or *kāfirs* appears to have remained an open question both during the Umayyad period and long after. Second, there is an incongruity between the heresiographical and historical sources regarding the Qadarites. The heresiographers classified Qadarites as Murji'ites or Mu'tazilites first and Qadarites second. In the historical sources, at least for the Umayyad period, the opposite was true. The term Qadarite appears frequently in descriptions of Umayyad figures. The terms Murji'ite and Mu'tazilite do not. This finding raises questions about the relationship between different genres of sources discussing the Qadarites, the most important of which were produced at roughly the same time during the 'Abbāsid period.⁵⁹ Surely the heresiographers knew that al-Ṭabarī and other historical sources emphasized the Qadarites while largely ignoring Murji'ites and, to a lesser extent Mu'tazilites during the Umayyad and earliest 'Abbāsid periods. It is not clear why they and the historians differed so significantly in their categorizations, or why this difference was not acknowledged or discussed in the sources. Third, in both the religious and historical literature, the later struggle between Mu'tazilites and their foes hovers over the treatment of the Qadarites. The authors of these later sources had to be aware that condemning the Qadarites as *kāfirs* while noting their connections to later Mu'tazilite leaders implied the same judgment of the Mu'tazilites. Some scholars were eager to make that inference, but most were apparently reticent to do so. Perhaps the relationship between the Qadarites and the Mu'tazilites was more significant in the eyes of the heresiographers than is readily apparent. It is worth noting that al-Baghdādī, who was most emphatic in his condemnation of the Qadarites as *kāfirs*, did not hesitate to apply the same judgment to the Mu'tazilites as a whole. To some extent, the confusion about whether the Qadarites were believers or *kāfirs* reflects later conflicts about the Mu'tazilites and later challenges, both political and intellectual, that were inherent to classifying which aberrant beliefs constituted *kufr* and which were merely error. In the case of the Qadarites, the sources, frustratingly, do not offer a clear answer about their ultimate status.

59 Even later biographical sources, such as Ibn 'Asākir, rely heavily on third/ninth century sources.

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Denouncing the Damned *Zindīq*! Struggle and Interaction between Monotheism and Dualism

István T. Kristó-Nagy

1 Introduction

The goal of this paper is to examine three interrelated questions: (1) Why were the Manichaeans excluded from the category of the “people of the book” in spite of the fact that the scriptural authenticity of Manichaeism was the strongest possible? (2) Why were the *zanādiqa* persecuted? (3) What was the influence of dualist critique on Islam? Focusing on the reasons for the first inquisition and persecution in Islam, I also aim to provide insight into the broad problematic of the social, psychological, logical, and biological patterns that manifest themselves in dualism and in monotheism.

2 The Meaning of the Term *zandaqa*

The first inquisition and persecution in Islam was against the *zanādiqa*. It was conducted by the recently established ‘Abbāsīd dynasty in the second part of the second/eighth century, especially between 163/779 and 170/786.¹ The *zindīq* (pl. *zanādiqa*) is one who practices *zandaqa*. The Arabic term *zindīq* is borrowed from the Pahlavi, but its origin is probably Aramaic. *Zaddīk* in Aramaic means “righteous,” and was used by the Manichaeans as a term for their “elect,” who were distinguished from the “auditors,” that is, the common members of

* This title echoes al-Qāsim b. Ibrāhīm’s *Refutation against the Damned Zindīq Ibn al-Muqaffa’ (al-Radd ‘alā l-zindīq al-la’īn Ibn al-Muqaffa’)*. See Guidi, *La lotta*.

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1 See Vajda, “Les zindīqs”; Chokr, *Zandaqa*, pp. 23–25, 61–64, 69–89, and passim; and François C. de Blois, “Zindīk,” *The Encyclopaedia of Islam*. New Edition, vol. 11, pp. 510–513.

their community.² Just as the term “Manichaean” was used in the Christian world for nearly two millennia to describe an incredible variety of beliefs, such is also the case for the term *zindīq* in Islam. Initially used to refer to the followers of the religion founded by Mani, the term was extended to vilify a multitude of ideas and behaviors by those who saw them as opposed to Islam and accordingly disapproved of them.

3 The State of Research on the Subject

In spite of the importance of the *zanādiqa*’s criticism of Islam, both their persecution by Muslims and their influence on Islam remain remarkably understudied. There are, however, some detailed studies of the subject that are of paramount significance for the history of religion, culture, and society. We should first mention the pioneering work of Georges Vajda³ and Francesco Gabrieli.⁴ Sarah and Gedaliahu G. Stroumsa produced an important article comparing the reactions to Manichaeism by pagan Neo-Platonist philosophers, Christian theologians, and their Muslim peers, pointing out the influence of Manichaeism on them.⁵ Whereas their study is focused on intellectual history, Roberto Giorgi, whose monograph has a similar comparative approach, links intellectual to social history.⁶ Although his terminology occasionally seems inadequate and his social theories a bit forced,⁷ he nevertheless presents a profound analysis of the essence and importance of *zindīq* thought.

It is precisely the understanding of this essence and this importance that is lacking in perhaps the most detailed monograph on the topic of *zandaqa*, by Melhem Chokr.⁸ The many merits of this study are marred by the author’s approach, which seems to be that of a late-20th-century *mutakallim*, using scholarship primarily to defend Islam. He comes close to glorifying the

2 See de Blois, *ibid.*, section 1. “The Word,” pp. 510f., and Chokr, *Zandaqa*, p. 45.

3 Vajda, “Les zindīqs,” pp. 173–229, and *idem*, “Le témoignage.”

4 Gabrieli, “La « zandaqa ».”

5 Stroumsa/Stroumsa, “Aspects.”

6 Giorgi, *Pour une histoire*.

7 For instance, he consistently translates the term *zindīq* as “athée,” see Giorgi, *Pour une histoire*, pp. 17, 37, 44, 55, 57, 70, 71, 75, 77, 103, 104, 106, and *passim*.

8 See above, n. 3.

persecutors of the *zanādiqa* and the humbling of the *dhimmīs*.⁹ His masked apologetic is rather irritating and in some cases leads to distorted results.¹⁰ It is not his personal conviction that is disturbing; rather it is his use of the methods of objective research to tacitly approve the cause of those who cut off heads to quash ideas and gibbeted the decapitated bodies of people who had committed no act of violence.¹¹ However, this book remains essential for a serious study of *zandaqa*.¹²

9 See for instance Chokr, *Zandaqa*, pp. 19, 21, 25f., 62.

10 For instance, I have the impression that if Chokr strives to prove, even at the price of contradicting all known sources, that Ibn al-Muqaffa' (killed by 140/758 at the latest) "était un fidèle conservateur de l'Islam connu à l'époque" (cf. Chokr, *Zandaqa*, p. 208), it is because it would be too difficult for him to admit that an author so fundamental to Arabic literature was a "faux musulman" (ibid., p. 209), a *zindīq*. Some of the most important passages in our sources presenting Ibn al-Muqaffa' as a *zindīq* are translated into English in Reeves, *Prolegomena*, pp. 261–263. Concerning Ibn al-Muqaffa's views, see Kristó-Nagy, *La pensée d'Ibn al-Muqaffa'*, and idem, "Marriage after Rape".

11 See, for example, an important report recorded by al-Ṭabarī about the caliph al-Mahdī ordering a *zindīq* to be beheaded and gibbeted, and instructing his little son Mūsā, the future al-Hādī, on the reasons for eradicating the Manicheans. Al-Mahdī accused the latter of stealing children in order to convert them. Once in power, al-Hādī made preparations for mass executions in order to kill off the hated sect. See al-Ṭabarī, *Ta'rikh al-rusul wa-l-mulūk*, vol. 1, p. 588:5–21. For French translations, see Vajda, "Les zindīqs," p. 190, and a partial translation in Chokr, *Zandaqa*, p. 46. For English translations, see Bosworth (trans.), *The History of al-Ṭabarī*, pp. 69f., and Reeves, *Prolegomena*, pp. 242f.

12 For further important studies, see the corresponding chapters of van Ess, *Theologie und Gesellschaft*, vol. 1, pp. 416–456; Zaman, *Religion and Politics*, pp. 63–69; and de Blois's excellent article in the *Encyclopaedia of Islam*. New Edition (see above, n. 1). Marshall G.S. Hodgson's short section "The Manichean Temptation," in his *The Venture of Islam*, pp. 289–291, is brilliant. Reeves, *Prolegomena* is an extremely useful research tool, offering English translations of a great number of passages by Islamicate authors dealing with *zandaqa*. It is based on a collection of such texts, namely Taqīzādah/Shirāzī, *Mānī va dīn-i ū*, and on later editions. De Blois and Sims-Williams have compiled a *Dictionary* for these sources. Fierro, "Accusations of *Zandaqa*," collects and analyzes six recorded Andalusī cases of such accusations (she adds two more in her "Heresy in al-Andalus") and concludes that no sign of any of the accused personages' Manichean beliefs is revealed by the extant reports.

4 The Persecution of the *zanādiqa*

Reports of killings of *zanādiqa* are already known from the reign of al-Manṣūr¹³ (r. 136/754–158/775),¹⁴ but organised inquisition and persecution characterize especially the reign of his son al-Mahdī (r. 158/775–169/785), and the short reign of the latter's son al-Hādī (r. 169/785–170/786). The persecution continued in a less systematic manner under the rule of al-Hādī's brother, Hārūn al-Rashīd (r. 170/786–193/809).¹⁵ Some sources even tell of executions under al-Ma'mūn (r. 198/813–218/833),¹⁶ son and second successor to Hārūn, and of an execution as late as 309/922.¹⁷

The persecution of the *zanādiqa* has never formally ended. Throughout the history of Islam, the legal status of the *zindīq* has been derived from that of the infidel, the *kāfir*, who has the choice between conversion or the sword. If the *zindīq* is a Muslim, his or her status is similar to that of an apostate, *murtadd*—but one who (according to the Shāfi'ite school) can avoid execution if he repents and converts to Islam or (according to the Mālikites) should be decapitated, as his repentance and conversion are not verifiable.¹⁸

Persecution of non-offending minorities within the lands conquered by Islam is not typical. *Dhimmi*s, people belonging to subject but tolerated communities, were only occasionally persecuted under Islam. These were the communities recognized to have a founding text, a revealed book: Jews, Christians, and even Zoroastrians.¹⁹ It is strange that the Manichaeans were

13 Such as the killings of Ibn al-Muqaffa' (see the previous note) and Ibn Abi l-'Awjā' (see Vajda, "Les zindīqs," pp. 192–197, and Chokr, *Zandaqa*, pp. 211–217). Concerning the case of al-Ja'd b. Dirham, who was executed even earlier, during the rule of the Umayyad caliph Hishām b. 'Abd al-Malik, see Vajda, "Les zindīqs," pp. 179f., and Chokr, *Zandaqa*, pp. 187–189.

14 In the present paper, dates of rule, birth, and death follow the information given in the *The Encyclopaedia of Islam*. New Edition.

15 See Chokr, *Zandaqa*, pp. 24f., 64.

16 See Vajda, "Les zindīqs," p. 185, and Chokr, *Zandaqa*, pp. 64.

17 See Chokr, *Zandaqa*, pp. 56.

18 Concerning the legal status of the *zindīq*, see Fierro, "Accusations," pp. 251f.; the relevant chapter of Chokr, *Zandaqa*, pp. 21f.; Frank Griffel, "Apostasy," *The Encyclopaedia of Islam*, THREE, 2007–1, pp. 131–134; and Wael Hallaq, "Apostasy," *Encyclopaedia of the Qur'ān*, vol. 1, p. 122.

19 See Daniel Madigan, "Book," *Encyclopaedia of the Qur'ān*, vol. 1, p. 247; and William R. Darrow, "Magians," *Encyclopaedia of the Qur'ān*, vol. 3, pp. 244f.

excluded from this category,²⁰ since the textual tradition of their revelation was the strongest. Their prophet, Mani, wrote and illustrated his books with his own hand.²¹ In addition, the Manichaeans were pacifists, despising the world and professing a form of ascetic life in order to liberate their souls from it. What, then, were the reasons for their persecution?

To answer this question, we must first identify these persecuted “Manichaeans,” the *zanādiqa*. The *zanādiqa* included not only Manichaeans, but also adherents of similar religions, including followers of Marcion, Bar Daysan (Bardesanes), and all Gnostic currents characterized by a radical dualism.²²

In Christianity, Islam, and even Zoroastrianism, Evil has an accidental nature. The world is created by a beneficent God, whose final victory will be absolute. However, in Manichaeism, the Light—that is to say, the Good—and the Darkness—that is to say, the Evil—are both co-eternal and material. According to the Manichean conception, the history of the universe spans three theoretical eras. In the first era, the two principles are separated. The second era is that of a partial mixture between the two. The Evil covets the Good and assails it. The Good defends itself by sending a part of itself into the Evil in order to halt its invasion. The result is this world, a mixture of Good and Evil; the duty of man is to release from this world the particles of Light, including his own soul. The rest belongs to the Darkness. The third era will be that of the final separation of the two principles.

The monotheistic view of the nature of this world is more positive, in that it holds this world to be ruled by its beneficial Creator. The image of the monotheists’ God also reflects the ideal of a benevolent absolute ruler. Evil is conceived of as marginal and can be identified with external and internal enemies. The latter are generally those who are dissatisfied with the ruling order. The more one is dissatisfied, the more one sees the power of Evil, and the more one sees the actual power as belonging to the Evil. An established state is reinforced by a monotheistic religion and can thereby demonize rebel minorities.

20 The possibility that the Qur’ānic term “Sabian” originally designated the Manichaeans makes this question even more interesting; see François C. de Blois, “Sabians,” *Encyclopaedia of the Qur’ān*, vol. 4, p. 512.

21 See Reeves, “Manichaeans as *Ahl al-Kitāb*.” As Mani was also an artist, he recognized the importance of visual illustration and he himself painted the scenes of his mythology; see Tardieu, *Le manichéisme*, pp. 43–64; Jes P. Asmussen, “Aržang,” *Encyclopaedia Iranica*, vol. 2, pp. 689f.; Zsuzsa Gulacsi, “Manichean Art,” *Encyclopaedia Iranica* (online edition); Werner Sundermann, “Manicheism. i. General Survey,” *Encyclopaedia Iranica* (online edition), the beginning of the section “The Manichean Church” [<http://www.iranica.com/articles>].

22 See Chokr, *Zandaqa*, pp. 29–41, 45–61.

In contrast, the radically dualistic vision of the universe looks at this world as existing precisely because of the Evil that predominates it.²³

Manichaeism is the masochist of religions. It has such a dark vision of this world that it refuses the pleasures it offers, and, as it considers power structures as belonging to the Evil, attracts the most atrocious repression of those very structures. Gnostic thought is therefore apt to be adopted by those who oppose the current order and feel oppressed. They seek the path of liberation from the world and of gnosis, the knowledge of the initiated who understand the allegorical meaning of the divine scriptures, whose real meaning is hidden from the eyes of the mob. They condemn the state and the majority of society as belonging to Evil—oppressive, unjust, and ignorant—yet they can find solace in a feeling of superiority that belongs to the “elect,” those who suffer and are martyred at the hands of those in power (whom they consider to be spiritually and morally inferior).²⁴

The Gnostics, including the *zanādiqa*, vehemently criticized monotheism, including Islam. According to their arguments, the idea that the world was created from nothing is nonsense. Furthermore, if the creator of this world is a sole and benevolent God, what explains the presence of evil? In their view, creatures are imperfect and suffering and they revolt against their creator, who must fight them and punish them. But if God is an omnipotent creator, He is also the one responsible for the acts of His creatures. According to the interpretation of *zanādiqa*, the god of the Qurʾān is a malevolent, unjust, and irrational tyrant.²⁵

23 A summary of the Muslim perceptions of Manichaeism is given in Waardenburg, “The Medieval Period 650–1500,” pp. 37–40, with notes and references at pp. 62f.

24 See Giorgi, *Pour une histoire*, pp. 32f., 45, 48–50, and Rudolph, “Gnosis, Gnostics, Gnosticism,” p. 895.

25 See the fragments of a critique of Islam attributed to Ibn al-Muqaffaʾ. The fragments were cited and thus conserved in a refutation of the text by al-Qāsim b. Ibrāhīm. Michelangelo Guidi edited and translated al-Qāsim b. Ibrāhīm's entire refutation, including the fragments of the refuted critique; see Guidi, *La lotta*. The fragments were translated into German and commented upon in van Ess, *Theologie und Gesellschaft*, vol. 5, pp. 104–108 (cf. also idem, “Some Fragments,” pp. 160–163; idem, *Theologie und Gesellschaft*, vol. 2, pp. 29–37). A number of these fragments were translated into French and analyzed in Urvoy, *Les penseurs*, pp. 29–66; idem, “La démystification.” See Kristó-Nagy, *La pensée d'Ibn al-Muqaffaʾ*, which includes a study, the Arabic text and a French translation of the fragments, pp. 287–325 and 438–451. Some passages of al-Qāsim b. Ibrāhīm's texts are cited in Taqīzādah/Shīrāzī, *Mānī va dīn-i ū*, pp. 77–83, and are translated into French in Giorgi, *Pour une histoire*, pp. 122–128. Two passages are translated into English in Reeves, *Prolegomena*, pp. 261f. It is interesting that in spite

They also criticized the anthropomorphism of the Qurʾān.²⁶ This is quite surprising, given the fantastic imagery of Manichaeism mythology. It appears that at least some adherents of Manichaeism considered this mythology as merely an illustration of the rational essence of Mani's religion.²⁷ Mani himself had used in a flexible way the symbols of former religions in order to convert their adherents to his own system, a system he wanted to be universal.²⁸ He appropriated the legacy of earlier prophets whom he considered his predecessors, but insulted those he considered false prophets.²⁹

of the hatred that the Zoroastrian clergy nurtured against Manichaeism, an apologetic work composed in the middle of ninth century CE by Martān Farrux i Ohrmazddatān, *Škand-Gumānik Vičār* (ed. and trans. de Menasce, *Une apologétique mazdéenne*), presents arguments against Islam, Judaism, and Christianity that are highly similar to the fragments attributed to Ibn al-Muqaffaʿ. Ghazwan, *Substance and Things*, pp. 56–68, gives a clear outline of al-Qāsim b. Ibrāhīm's arguments against those he attributes to Ibn al-Muqaffaʿ. Another prominent example is the criticism of the monotheists' god by Ibn al-Rāwandī, see Stroumsa/Stroumsa, "Aspects," p. 53.

- 26 See the previous note. For another example, see the words attributed to Abān al-Lāḥiqī by Abū Nuwās, Vajda, "Les zindīqs," p. 208; Chokr, *Zandaqa*, pp. 245, 247; Fariq, "The Poetry," pp. 52f.; Montgomery, "Abū Nuwās," pp. 140f.; Reeves, *Prolegomena*, p. 256.
- 27 Concerning this rational essence, see the opinions of Tardieu, *Le manichéisme*, pp. 56f., and Sundermann, "Manicheism. i. General Survey," *Encyclopaedia Iranica* (online edition) [<http://www.iranica.com/articles>], especially the section "Philosophy," and the conclusion. According to the Neo-Platonist philosopher Simplicius (b. ca. 490; d. ca. 560 CE)—whose objective was to refute Manichaeism—the Manichaeans did not use allegorical interpretation of these myths, see Stroumsa/Stroumsa, "Aspects," pp. 40f. Ibn al-Muqaffaʿ—the *zindīq* par excellence—is reported, however, to have "rejected the abominable tales that the Manichaeans told about the war of the two principles." [...] وَنَفَى مَا ذَكَرْتَهُ [...] 'Abd al-Jabbār, *al-Mughnī*, vol. 5, p. 20:6–7. As the stories of the inquisition demonstrate, the *zanādiqa*'s very infiltration into Islam shows that many of them were not pure literalist Manichaeans who could not make any concessions on their principles; see, e.g., Vajda, "Les zindīqs," p. 188 and n. 2.
- 28 See Tardieu, *Le manichéisme*, pp. 19–27, 46; and Sundermann, "Manicheism. iv. Missionary activity and technique," *Encyclopaedia Iranica* (online edition) [<http://www.iranica.com/articles>], the section "The Adaptability of the Manichean Missionary Technique."
- 29 See Tardieu, *Le manichéisme*, pp. 53f. Adimantus, who was probably the same person as Addās, one of Mani's adepts, "is reported to have written a polemic treatise against Moses and the other prophets of the Old Testament"; see Sundermann, "Manicheism. iv. Missionary Activity and Technique," *Encyclopaedia Iranica* (online edition), the section "Missionary Journeys of Mani's Disciples, Manicheism in Africa beyond Egypt and Europe."

In this, too, he was followed by the *zanādiqa*, who railed against Muḥammad.³⁰ The Muslims in their turn excluded Mani from the list of the true prophets preceding Muḥammad, perhaps because of the disturbing similarity of the status of Mani and Muḥammad, both being regarded as the “Seal of the Prophets”³¹ and linked to the Paraclete by their communities.³²

To better understand the identity of the *zanādiqa* and the reason for their persecution, we have to understand the historical context. In the late-antique empires of Rome and Sāsānian Iran, the official religions—Christianity and Zoroastrianism, respectively—became primary foundations of the state. The official version of the state’s religion became the “orthodoxy” and the central authorities labeled as “heresies” the tenets of those who opposed them. Such “heresies” expressed the distinct identity of social groups who felt disadvantaged, including the population of the territories in conflict with the center of power. For this very reason “heresies” were persecuted by the centralizing state and refuted by its theologians. Thus the “orthodox” and the “heretics” were engaged in a dialectical debate, which produced a tradition of sophisticated apologetics and an evolution of theology. Heretics such as the Manichaeans could participate in this debate as long as they had some support strong enough to avoid persecution or to survive it.³³

In its formative period, Islam had no discipline of apologetics to defend itself, nor even a codified doctrine to defend. After the original expansion of Islam, its political and military elites lost their proselytizing enthusiasm. The descendants of Arab conquerors lived in a privileged position, and they had no interest in sharing their status with the people they conquered. It was rather the latter who had an interest in converting to Islam, seeking to free themselves from the special taxes imposed on *dhimmīs* and, for the more ambitious, to infiltrate the political and military elite.³⁴

But this approach was not facilitated by the Arabs. In order to embrace Islam and achieve the legal status of a Muslim, it was necessary to find an

30 See n. 27.

31 See Tardieu, *Le manichéisme*, pp. 19–27; Sundermann, “Manicheism. i. General Survey,” the section “The Salvation History of Mankind”; de Blois, “Zindīq,” p. 513; and, most importantly, Stroumsa, “Seal.”

32 See Tardieu, *Le manichéisme*, pp. 13–15; de Blois, “Zindīq,” p. 513; Sundermann, “Paraklet,” pp. 201–203.

33 The study of Giorgi, *Pour une histoire*, is focused on this dialectical debate and its socio-historical causes.

34 For a slightly different view, see Elton L. Daniel, “Conversion. ii. Of Iranians to Islam,” *Encyclopaedia Iranica*, vol. 6, pp. 229–232.

Arab patron—a person or a tribe—who accepted the seeker as a client.³⁵ The situation for the clients was better than that of their former coreligionists, but worse than that of the Arab Muslims. These clients, *mawālī*, were often the most talented, or at least the most ambitious members of their former communities, and for them this intermediate status was unsatisfactory and frustrating. As heirs to the great civilizations that preceded the conquest, having embraced the ideology of conquest and Islam, and having climbed to the highest ranks of the military and of the administration, could they be happy as mere clients?

The period around the ‘Abbāsīd revolution was the heyday of *zandaqa*. Before the revolution, the Arabs had neither the interest nor the opportunity to continue proselytizing, let alone to launch state-organized persecutions. Muslims were a small minority in their empire³⁶ and their religion was not equipped for religious debate. Their military superiority was, however, an exceptionally strong argument for the superiority of their religion.³⁷

The Islamic conquest erased the official status of Zoroastrian and Christian “orthodoxy,” yet the Muslim elite had neither the intention nor the means to intervene too much in the religious affairs of the subjected masses. This gave unexpected liberty to the multitude of sects and religions hitherto oppressed. Manichaeism was one of these formerly oppressed sects, and its proselytizing expanded in this new situation.³⁸ Furthermore, it did not seek to conquer and save only the souls of Christians, Zoroastrians, and others, but also those of the

35 In the present paper, the terms “client” and “patron” are used in their original Latin meaning, *cliens*, “protégé,” and *patronus*, “master, protector.” For a detailed study of the history of this type of relationship, see Crone, *Roman, Provincial and Islamic Law*, pp. 35–99. Concerning the evolution of the status of the *mawālī*, see also Crone, *Slaves on Horses*, pp. 49–57. The results of this research are synthesised in Arent J. Wensinck and Patricia Crone, “Mawālā,” *The Encyclopaedia of Islam*. New Edition, vol. 6, pp. 874–882. See also an excellent collection of studies concerning this subject, Bernardt/Nawas (eds.), *Patronate and Patronage*.

36 See the foundational study by Bulliet, *Conversion to Islam*.

37 I am not referring to the use of violence as a decisive argument alone, but also to the evocation of the success of this violence in order to demonstrate divine support for the just religion. The Muslims claimed that the very success of their conquest proved the validity of their religion. See for example the late Sizgorich's brilliant article, “Do Prophets Come with a Sword?” See also Kristó-Nagy, “A Violent, Irrational and Unjust God.”

38 See Vajda, “Les zindīqs,” pp. 175–182, 225–228 ; Giorgi, *Pour une histoire*, pp. 63–67; and Chokr, *Zandaqa*, pp. 16–19, 41–43, 49–61.

Muslims.³⁹ For Muslims, however, apostasy was a capital crime,⁴⁰ punishable by the state, which was especially intent on maintaining control, after the experience of the *ridḍa*, an apostasy en masse of Arab tribes after the death of Muḥammad. In addition, in order to abandon the privileged Islamic community and join that of Manichaeans, which was inclined toward asceticism, one had to have exceptionally strong motivation. One of the reasons for the accusation of *zandaqa* against the poet Abū l-ʿAtāhiya was his ascetic leaning.⁴¹ But the majority of Muslim *zanādiqa* were not of his kind. On the contrary, many of them were libertines, especially his fellow poets.⁴²

Those Muslim *zanādiqa* who had anything to do with Manichaeism did not adhere to Mani's mythology or law, but to the essence of his thought: Manichaeism was able to adopt the mythology of different religions, as a virus enters host cells and recodes them from within.⁴³ Those who fight a disease are the most likely to be infected by it. Thus the *mutakallimūn* and *falāsifa* (philosophers) who developed many of their ideas as an answer to *zindīq* thoughts were often accused of *zandaqa*. In fact, many of them were clearly influenced by such ideas⁴⁴ and, in the eyes of the majority, *zanādiqa*, Muʿtazila, and *falāsifa* together formed an intellectual pus, like a mixture of virus-infected cells with white blood cells engulfing them.⁴⁵

39 See the excellent doctoral dissertation of Browder, *Al-Bīrūnī*, esp. pp. 164–208. See also Vajda, “Les zindīqs,” pp. 181f., 190; Giorgi, *Pour une histoire*, pp. 63f.; and Chokr, *Zandaqa*, pp. 63, 69–308.

40 See Griffel, “Apostasy”; and Hallaq, “Apostasy,” pp. 121f.

41 See Chokr, *Zandaqa*, pp. 301–307. Concerning Abū l-ʿAtāhiya's *zandaqa* see also Vajda, “Les zindīqs,” pp. 215–220 and 225–228.

42 See Vajda, “Les zindīqs,” pp. 197–215 and 225–228; Chokr, *Zandaqa*, pp. 241–301; and Montgomery, “Abū Nuwās,” pp. 140–147.

43 This comparison—extracted from Crone, *Medieval Islamic Political Thought*, pp. 81f.—as well as those following, does not express any ethical judgement. A virus is no worse or better than its host.

44 On the sources concerning the *mutakallimūn* accused of *zandaqa*, see Chokr, *Zandaqa*, pp. 104–107. The two most illustrious accused *mutakallimūn* were al-Warrāq and Ibn al-Rāwandī/Rēwandī/Rīwandī. Amongst the philosophers, the most notorious example is Abū Bakr Muḥammad b. Zakariyyāʾ al-Rāzī, who reportedly wrote a “debate with a Manichaean” (see Lenn E. Goodman, “al-Rāzī, Abū Bakr Muḥammad b. Zakariyyāʾ,” *The Encyclopaedia of Islam*. New Edition, vol. 8, p. 475), and whose ideas clearly reflect obvious Gnostic/Manichean/*zindīq* influences (p. 476). These thinkers are thoroughly studied in Stroumsa, *Freethinkers*, and Urvoy, *Les penseurs*, pp. 93–133.

45 Al-Ghazālī used the term *zindīq* in the sense of “crypto-infidel.” This reflects well the memory of the *zanādiqa*'s infiltration of Islam. However, by al-Ghazālī's time the direct

Zindīq proselytizing found an ideal substrate in the *mawālī*, the semi-emanipated foreigners within the Muslim community, but it also affected the Arabs who were in contact with them. Even members of the Arab elite were charged with *zandaqa*, but it should be noted that we cannot know to what extent these accusations were motivated by political rivalries. Such was the case for some accused *mawālī*, who were also often very close to the summit of power. Because of the complexity of the phenomenon of *zandaqa*, the multiplicity of the causes and motives of accusations, and even self-accusations,⁴⁶ not to mention the dispersed and partial character of our sources, it remains often impossible to understand clearly what happened in the various individual cases.⁴⁷ Therefore my overview is necessarily provisional.

Despite the obstacles to a clear understanding, it seems that the main reason for the persecution of the *zanādiqa* was their success. By penetrating the Muslim community itself and by gnawing at its religious foundations, the *zanādiqa* became dangerous for the authorities of the new empire, whose principle of legitimacy was the supremacy of Islam. Aggression is a manifestation of frustration and fear. The victories of the Byzantine armies against those of the Islamic empire resulted regularly in retaliation against Christians living under Islamic rule. The fact that the Uyghur empire, the Eastern rival of the Islamic empire, had converted to Manichaeism could make the *zanādiqa* seem even more threatening than they were already.⁴⁸ The state, when it feels in danger, becomes brutal. The persecution of the *zanādiqa* was an “auto-immune” reaction of the Islamic state.

We do not have enough information to estimate the number of those executed. We know almost nothing of the fate of the followers of the Manichean institutional church. It seems they were often quite wealthy people,⁴⁹ merchants perhaps, who had always formed the main social basis of Manichaeism.⁵⁰

threat was already eliminated, and, for him, the *zanādiqa* of his age were the majority of the *falāsifa*; see Jackson, *On the Boundaries*, pp. 55–59.

46 See Vajda, “Les zindīqs,” pp. 184f.; and Chokr, *Zandaqa*, pp. 276–279.

47 See the detailed studies of Vajda, “Les zindīqs”; and Chokr, *Zandaqa*.

48 See de Blois, “Zindīq,” p. 512.

49 A well-known anecdote (trans. in Reeves, *Prolegomena*, p. 246, and mentioned also in Vajda, “Les zindīqs,” pp. 183f., and n. 7), describes the rich and noble appearance of a group of Manicheans brought before an inquisition and executed.

50 According to Giorgi’s theory, while Manichaeism was mainly a religion of merchants, who formed an underprivileged social stratum in the Byzantine and Sāsānian empires, Islam was a religion of emancipated merchants, whose vision of the temporal world was rather positive. Thus Islam appropriated the traditional clientele of Manichaeism, the merchants; see Giorgi, *Pour une histoire*, pp. 68–70, 79–81. According to Sundermann

It seems from our sources that many of the persecuted Manicheans did not renounce their faith and instead suffered martyrdom, and that mass executions occurred.⁵¹ It is noteworthy that the majority of the libertine poets survived the persecution.⁵² It is apparent that the authorities considered that their *zandaqa*, whatever this term meant in their case, was not a serious danger for the state.

The persecution broke the proselytizing impetus of *zandaqa*. At the same time, Islam saw renewed and reinvigorated proselytizing. The 'Abbāsid revolution was already an emblematic phenomenon of this renewed eagerness. Religious ideologies of the different privileged groups of the Muslims—who were fighting among themselves for power and economic benefits as well as for the prevalence of their social models—were crystallizing.

New converts became more and more actively involved in the military and ideological debates of the Arabs. Their number and significance increased in a spectacular way. They realised they could promote their interests and values through conversion to Islam. They could achieve success by means of and within the religion in the name of which they were conquered. It was through the merging of the concepts and cultures of the old and the new Muslims that Islamic civilization and its various religious sects were formed. It was no longer possible to exclude from Islam and from power the populations of the conquered lands. Their number exceeded by far that of the Arabs,⁵³ and their administrative, economic, and even theological expertise was indispensable.⁵⁴

It should be noted here that the political success of a family—and in the case of the Arabs, the most important family was that of Muḥammad—not only produced economic wealth, but also reproductive success. Men belonging to the Arab elite were allowed to have four wives and many concubines, who were normally non-Arabs and non-Muslims. Thus, the Arab families that

("Manicheism. iv. Missionary Activity and Technique," *Encyclopaedia Iranica* online edition, in the section "The Adaptability of the Manichean Missionary Technique, Success and Failure of the Manichean Missionary Work"): "Since, according to the Manichean ethics, the businesses of the merchant and the moneylender were the only immaculate worldly professions, it is imaginable that to win over traders and dealers for the new religion was easier than to convert people with any other social background." I believe that the theory according to which the first inquisition reflects a change in Muslim society—namely the replacement of the merchants' dominance by that of the landlords—would need more support; cf. Ibrahim, "Religious Inquisition."

51 See Vajda, "Les zindīqs," pp. 183f., and n. 7, and p. 190.

52 See Montgomery, "Abū Nuwās," p. 143.

53 See above, n. 38.

54 See above, n. 37. See also Giorgi, *Pour une histoire*, pp. 67f.

dominated the Islamic empire became larger while simultaneously becoming less ethnically Arab. Even the caliphs were often the sons of non-Arab women. The courts of the caliphs and nobles were thus fundamentally affected not only by a cultural mixing, but also by a genetic mixing between Arabs and the subdued ethnicities. Islam was no longer restricted to the Arabs.

These changes had fatal consequences for *zandaqa*. First, as already noted, its proselytizing, which affected even the Muslim community, provoked an aggressive reaction from the state—that is, persecution, which was the regular fate of Manichaeans in virtually all empires, except that of the Uyghurs. Secondly, the work of the executioner's sword was followed by the work of the Mu'tazilite apologist's pen. The third and perhaps the main reason for the extinction of *zandaqa* was that its potential adherents found their place and way within Islam, whose doors became more and more open.

On the one hand, the *zanādiqa*'s attempt to infiltrate Islam failed and became a major cause for the persecution of all radically dualistic communities in Islamdom. On the other hand, the crystallization of Muslim theology and its central tenet, that of *tawhīd*, the oneness of God, owes much to the criticism of dualistic *zanādiqa*.⁵⁵

It seems that the formation of Islamic theology and of the Mu'tazilite school was partly a reaction to this dualist criticism,⁵⁶ and the very Mu'tazilites most eager to polemicize against the *zanādiqa* were also those most influenced by their ideas. This is entirely normal and logical and has been frequently observed in the history of interfaith meetings, which happen more often in the form of dispute rather than dialogue, spilling as much blood as ink, with the fighting parties all the while inadvertently engaging in a cross-fertilization of ideas.

55 See Gabrieli, "La « zandaqa »,» pp. 30–35, 38; Kristó-Nagy, *La pensée d'Ibn al-Muqaffa*, pp. 140–141, 287–325 and 438–451. Zaman, *Religion and Politics*, p. 66, rightly suggests that: "The persecution of the *zanādiqa* must be seen . . . not only with reference to the challenges or threats they were perceived to pose to Muslim society and state, but also in terms of what the early 'Abbāsīd state and its religious elite stood to gain from this challenge and their response to it. The persecution of 'heresy' can be a crucial means of gaining, consolidating, and legitimating political power and social influence. . . ."

56 This idea occurs time and again in the research, see Stroumsa/Stroumsa, "Aspects," pp. 51–58 (referring also to H.S. Nyberg and S. Pines, p. 57, n. 107); and Gabrieli, "La « zandaqa »,» pp. 30–32. For other examples, see Hodgson, *The Venture of Islam*, vol. 1, p. 290, and Jackson, *On the Boundaries*, p. 81, n. 120. See also pp. 14–16 of the introduction of de Menasce, *Le troisième livre du Dēnkart*, where the author demonstrates strong parallels between Zoroastrian and Mu'tazilite theodicy. If the idea has not become more commonplace in general scholarship, it is probably due to the fact that—since few modern scholars are affiliated with Zoroastrianism and even fewer with Manichaeism—the importance of this successfully eradicated tradition has been constantly undervalued.

The influence of *zandaqa* also appears in Shī'ite thought, in a direct manner in the case of the "exaggerators," *ghulāt*,⁵⁷ and indirectly, through the Mu'tazila, in Shī'ite philosophy.⁵⁸ The Shī'a was originally the political party of the descendants of 'Alī, who were also the only descendants of his cousin and brother-in-law, Muḥammad, but it increasingly embraced non-Arab elements. As the Shī'a was, of the elite, the losing party, it had the potential to become the principal sect for the underprivileged non-Arab converts to Islam. Gnostic and messianic concepts are easily embraced by those who feel oppressed by an unjust power. They were integrated into the various streams of Shī'ite expression, resulting in the formal extinction of *zandaqa*, but also in its intellectual penetration of Shī'ism.

The persecution of *zanādiqa* is a cruel chapter in the history of interfaith discussions. The winners triumphed through violence and showed neither gratitude nor mercy to their interlocutors. Assimilating the *zanādiqa* into the *kuffār* is a special case of *takfīr*; in which a religious community whose success irritated the Islamic state was to be eradicated. If this first inquisition and persecution, one of the most shameful chapters in the history of Islam, is rarely mentioned, it is because of its perfect success and the fact that the Manicheans were also exterminated in Christian lands. Uncompleted massacres are bitterly remembered by the survivors and their descendents, but successful ones go unreproached.

An alarming conclusion is that adepts of two proselytising monotheistic religions were able to eliminate an entire non-violent religious community, and, as far as I know, none of the prominent authorities of these religions ever formulated any self-critique of this act. The fact that this successful massacre remains until today unquestioned and hence "legitimate" suggests that the morality, conscience, and empathy of religious leaders and communities is still not highly developed enough to allow them to condemn their own violent pasts.

5 The Struggle between Dualism and Monotheism and its Philosophical, Psychological, Social, Logical and Biological Roots

In the rest of this paper, I try to schematize the theological and philosophical reaction of the Mu'tazila to the criticism of the *zanādiqa* and to summarize the questions and the universal significance of the debate between monotheistic

57 See Montgomery, "Abū Nuwās," p. 147; Marshall G.S. Hodgson, "Ghulāt (singular, Ghālī)," *The Encyclopaedia of Islam*. New Edition, vol. 2, pp. 1093–1095; and Crone, *Medieval Islamic Political Thought*, pp. 94–96.

58 See Gabrieli, "La «zandaqa»," p. 38; and Urvoy, *Histoire*, p. 309.

and dualistic thought. It has long been accepted to link reflections on religion with those on society. Linking reflections on religious and social phenomena with those of biology, and making connections between ethics, on the one hand, and ethology and genetics on the other is a much less established approach. As I believe it helps provide a deeper understanding, I will experiment with this approach here.

We have already mentioned the most important points of criticism of the *zanādiqa* against the Muslims' concept of God. The most embarrassing questions posed by the *zanādiqa* can be summarized as follows: From what, and how and why could a god who is supposed to be unique, good, fair, and rational—in short, perfect—create an imperfect world, full of evil?⁵⁹

We understand to what extent it was crucial for the Mu'tazila to defend the monotheistic concept of God against such criticism, if we consider that many of their central doctrines, such as the unity, rationality, goodness, and justice of God, as well as the affirmation of free will and the allegorical interpretation of the Qur'an's anthropomorphism, were formulated as answers to the criticism of *zandaqa*. But what were their means to defend their positions? The Mu'tazilites were not the first to refute Manichaeism. They were preceded by Christian and Neo-Platonic apologists.⁶⁰ The easiest line of attack, followed by anti-Manichaean authors since the Neo-Platonist philosopher Simplicius (b. ca. 490; d. ca. 560 CE), was to launch a diatribe against a literal reading of Manichaean dogmas and myths.⁶¹ The Manichean view of the mixture of the two principles was also ridiculed: How could two opposite things be mixed without losing their original character?

Although the "trick" questions of Muslim apologists are often quite childish, they still reveal the weakness of the Manichaean cosmology.⁶² Manichaeism is primarily an ethical system, as it is focused on the struggle between good and evil, and presents the liberation of the former from the clutches of the latter as the eschatological goal of this battle. Manichaean cosmology is derived from this ethical essence and remains largely symbolic and mythological.⁶³

It is not easy to explain the complexity of the material world by reducing it to a mixture of two components, Light and Darkness, which are actually the

59 See above, n. 27.

60 See Stroumsa/Stroumsa, "Aspects"; Giorgi, *Pour une histoire*, pp. 85–100.

61 See above n. 29 and Giorgi, *Pour une histoire*, p. 97.

62 For examples, see Giorgi, *Pour une histoire*, pp. 121–130 of his French translations of passages by Muslim authors concerning *zandaqa*, collected in Taqīzādah/Shīrāzī, *Mānī va dīn-i ū*, as well as Reeves, *Prolegomena*.

63 See Stroumsa/Stroumsa, "Aspects," pp. 40f.

moral categories of Good and Evil. Nevertheless, this categorization derives from a primary logic that has its origins in biological evolution. The dualist model fits perfectly with the human mind's natural, biological system of perception and characterization. Living things have systems of perception that allow them to "decide" whether something is good or evil, right or wrong, with respect to their survival and reproduction. We descended from living beings who took what was good for them and avoided what was wrong for them.

All the binary system of logic goes back to this simple rule of biological evolution. Perception has ethical origins, in that it has developed to help living beings make decisions, to choose between good and evil. For a he-mouse, a she-mouse is good, while a cat is evil, approaching the she-mouse is right, approaching the cat is wrong.

In order to make their choices, living beings have to decide if two things are the same or if they are different. The concepts of equality and difference are the foundations of logic.⁶⁴ The first can be formulized with the statement: "A is equal to A," while the second with the statement: "non-A is not equal to A." Both of these axioms are, however, false. There are no two things that are absolutely different from each other and there are no two things that are absolutely the same. The concept of "one," "two," and so forth, are distortions of the ultimate reality. The world is composed of an infinity of systems, which are not delineated from one another. But living beings—which are systems themselves—are in need of defining some of these systems.

When the difference between two systems (which can be the "same" system in a different moment in time) is smaller than the difference that our senses can perceive (or find significant), we say that two things are the same. Similarly, when our senses are unable to notice a connection between two systems (or if we find that connection insignificant), we say that they are different. When two people are in a room talking to each other, molecules that leave the body of one person enter into the other, and ideas of one person enter into the mind of the other. They are in connection with one another. The reader of this line is not the same person as the reader of the previous line and the writer of this line is not a completely different person from its reader. All beings are connected, and none of them are definable in an absolute way.

Nevertheless, our logic—which is based on the false concepts of equality and difference—is still a very useful tool. In fact, it is our only tool to grasp an approximate truth. This approximate truth is false, but it is good enough for the actual purposes for which we use it, and we can refine it further when

64 I use the words "concept" and "logic" in a very extended sense, as I apply them to the cognitive systems of all living beings.

necessary. Even the artificial intelligence of the computers we produce is based on a binary logic.⁶⁵

To protect the program of life (survival and procreation), deterrent and reward systems (such as pain, fear, and suffering) evolved in most animals (I don't know much about the corresponding systems of other living beings), including humans. The latter—whose mental capacities evolved for the same reasons of protecting the program of life—abstracted the ideas of good and evil from the sensations of joy and pain. A further step in abstraction was to make these ideas absolute principles and to claim their objectivity. Nevertheless, all these ideas, as indeed our very capacity to think and our logic itself, are rooted in our biological evolution. Good and evil are ideas abstracted from actual sensations of joy and pain, which are felt by individual living beings and are therefore subjective and relative. The very symbols of the two principles of light and darkness are biologically rooted and relative. For humans, light is a symbol of good, while for photophobic animals, such as cockroaches, it would be rather the symbol of evil.

Many species, including humans, are efficient in fulfilling the program of life only in community. For such species, individual interests can be subjected to communal ones. To accept the pretense of the absolute and objective nature of good and evil serves the interests of the community by conditioning the individual to accept that his or her actual and subjective joy or pain must be measured against the “objective” evil or good. In the case of humans, who are conscious living beings, the coercive means of the community to uphold its interests as superior to those of the individual includes the imposition of law and religion. The latter postulates that if the selfish individual escapes punishment in this life, he or she will not escape it in another life, and that the advantage one can win by following one's selfishness is temporal, while the punishment will be arduous and perhaps eternal.⁶⁶

65 I ask the compliance of the reader. Presenting such deductions as the ones above and below might be considered an offense against the norms of scholarly writing. I regard such norms, however, as flexible guidelines towards approaching—the unreachable—truth. I plan to further discuss these ideas in another paper, but I think they are important for understanding the roots and the success of dualistic views, which are not only present in the “proper” dualist religions, but also in monotheistic and polytheistic ones. It is worth mentioning that the problem of sameness and difference was also debated by Mu'tazilite thinkers and their opponents; see, for instance, al-Ash'arī, *Maqālāt*, p. 341, with respect to the perception of sense-objects. I am very grateful to Dr. David Bennett for this information.

66 Most religions develop the idea of some kind of measured punishment after life, with the duration and the intensity of the suffering proportionate to the weight of the sin.

Because of its biological significance, fear of death is an eminently strong feeling. The chances of survival of a living being that is not afraid of death is much less than that of one that is afraid of it. Humans realize that they must die, but the fear of death makes this an unacceptable reality. Religion provides a solution to this unbearable problem. It offers hope that eases the frustration of suffering during life and of annihilation after life. It also conditions the individual to respect the community and sacralizes the idea of justice, the latter being a conceptual and ideological reflection of the established order and values of society.⁶⁷

The idea of the mortification of the flesh (which will die anyway) to free the soul (which will live forever) is a kind of ritual, sacrificial pact. The essence of such a pact is to sacrifice something that one possesses already, in order to obtain something more valuable. In this case, the renunciation of earthly joys is seen as a way of gaining eternal salvation. This idea is present in almost all religions, but is particularly strong in Manichaeism, which belongs to the Gnostic tradition. The difficult idea—and the even more difficult practice—of renunciation, which is obviously against our biological drives, was supported in Manichaeism by the belief that flesh belongs to the Darkness, which is the irrational and impure evil principle, while souls are made of particles of the Light, which is the rational and pure good principle, but they were captured by and are in the Darkness. According to the Manichaean doctrine, only the souls of the “elect”—whose number was limited and who practiced an extreme ascetic lifestyle—could join the eternal Light, after being freed from all Darkness by their pure life and by death. “Auditors”, who were the common faithful—often people who were rich, such as merchants or administrators, but unhappy with the order of society—could expect that by their supporting the elect they would become one of them in their next life by metempsychosis.

The thought of sacrificing the joys of this world is more acceptable to those who feel deprived of them already or who are particularly conscious of their ephemeral nature. This is also found in Islam, for example in the thoughts of ascetics⁶⁸ and philosophers. But the majority of Muslims, the down-to-earth

67 It is noteworthy that a number of other social animals also have a sense of fairness. They expect for instance similar reward for similar effort. For a highly entertaining demonstration by Frans de Waal and capucine monkeys, see this brief talk: http://www.ted.com/talks/frans_de_waal_do_animals_have_morals.html. For his recent research, see de Waal, *Bonobo*. Naturally, the animal world also knows hierarchy, and even the privileges of the “highborn”, see Bergman et al., “Hierarchical Classification”.

68 See n. 70.

faithful, refuse the idea and practice of excessive sacrifice and claim resurrection and eternal happiness in Heaven for the soul and body of those who obey the law of religion on Earth.⁶⁹

Devout altruism may also help people who possess a superior conscience or emotional sensitivity to understand that the more they dissolve the boundaries of their own egos by opening them to unite with those of other members their communities, or all humans, or all living beings, the more they approach the ideal of eternal divine love. This may be the supreme spiritual experience. But even this experience has its roots in the primordial, biological experience of good and bad. The acknowledgment of its “material” roots does not make the experience less spiritual, rather, it makes it even truer. One’s recognition of how close humans are to mice enhances one’s humility, sense of solidarity and love—and that raises one’s spirituality even higher.

Most varieties of such behavior belong to religious traditions and are, for example, present in Islamic mysticism.⁷⁰ A trend within Islamic mysticism embraces views that belong to the two fundamentally dualist families of religions: those of Iran, whose view that the world is the battlefield of two antagonistic principles influenced all the monotheist religions as well, and those of East Asian religions, such as Taoism, which considers the two principles less hostile than complementary.⁷¹ Just as the Mu‘tazilites did, this trend in Islamic mysticism also offered solutions to the questions raised by the *zanādiqa* on the paradox of the presence of evil, resolving that question within the framework of Islam.⁷²

The stark contradictions between different trends in Islam are natural and appear in all religions that are followed by masses of adepts over a long period of time. As Islam was not a matter of choice but the only possible belief for millions of women and men throughout history, the range of different feelings and views that naturally evolve in humans had to be expressed within its framework. Every successful religion comprises many different trends, and very similar stances find their expression in different religions. Divergences within the

69 This was already the point of Christian theologians refuting Manichaeism, see Stroumsa/Stroumsa, “Aspects,” pp. 42f.

70 For the history of the transition from Islamic asceticism to Islamic mysticism, see Melchert, “Transition.”

71 Whether the coincidences in the thoughts of those who supported the idea of the “*coincidentia oppositorum*” are due to intellectual convergence or to direct or indirect influences is often difficult and probably useless to define.

72 See Awn, *Satan’s Tragedy*; and Kristó-Nagy, “Rebelling Devil and Revengeful God.” See also Kristó-Nagy, “Who Instigated Violence?”; idem, “The Devil and the Arts” (in preparation).

“same” religion reflect personal dispositions as well as the adherence to different social, regional, and ethnic identities. Opposition in the interests and views of individuals as well as groups can lead to antagonisms within the “same” religion. Religion was the consciousness of pre-modern societies; therefore such differences were usually expressed in religious terms: mutual accusations of heresy and apostasy, and consequent excommunications.

As far as I can understand, the persecuted *zanādiqa* were of two major sorts: those, who were “pure” Manichaeans, and those Manicheans who infiltrated Islam but were judged to be false Muslims by the masses or by the leaders of the *umma*, the community. It seems that the persecution of the first group was justified by the accusation that they were, in spite of their apparent submission to Islam, secretly violent⁷³ polytheists, while in the case of the second group the charge was that they were extremely cunning and pernicious apostates.⁷⁴

The fact that our binary logic is the primordial experience of possibly all living beings does not mean that it describes the absolute reality of the world. Binary logic reflects our system of perception and categorization, which reduces the infinite and inconceivable complexity of the world’s phenomena into two practical and ethical categories, those of good and evil. Critics of Manichaean thought denounced this imperfection.⁷⁵

A fundamental contradiction of cosmology is that the Manichean doctrine of the mixture of two everlasting and unchangeable principles can hardly explain the infinite complexity of the world. This contradiction is related to another one: How does one explain that the two principles, which were coexisting but separate and remote from each other eternally, mixed with each other for a time, only to separate again and be kept separate eternally? What is the reason for this cycle that leads nowhere? Manichaeism identifies the reason for the existence of this world in the actions of the Evil motivated by its desire for the Good. This worldview is very negative, but it is not pessimistic, because it predicts the final liberation of Light.

But how can the Evil have this desire for the Good? And why does the Evil discover the Good and feel a desire for it at a specific time, after being separated and distant from it for eternity? This defect of Manichean cosmology was detected and criticized by the apologists who opposed it. They failed to note, however, that this defect is basically the same as the one that was criticized

73 See above, n. 11.

74 See above nn. 20 and 46.

75 See above, n. 64.

in monotheism by dualists and sceptics: What would have been the reason for the creation?⁷⁶

The Neo-Platonic theory of emanation was adopted by many Christian and Muslim thinkers and adapted to their monotheist doctrine. They identified the “One” of the Neo-Platonists with the unique God, who is so perfect that the world emanates from Him. The further they are from the original source of emanation, that is, from the “One,” or God, the less the emanated substances are perfect. Unformed matter is at the margin of creation. Evil can be described only by negation, as the absence of Good, thus it is not substantial.⁷⁷

This negation of the substantiality of Evil offers a positive and optimistic worldview, which conforms well to the feelings and interests of those who are satisfied enough with the given reality and their own conditions. But this vision also brings comfort to those who hope to attain a better world or a higher state of mind, because the model indicates the return path for the creature to its creator. This vision is also cyclical, for when the spirits reach their salvation, they return to the perfection of their source, or—according to another version of this theory which is adjusted to the desiderata of those who wish to retain their individual existence—purified of evil, they become worthy of the creator.

But what is it all for if the creator was already perfect? What can be added to perfect perfection? What is the reason for this cycle, in which Evil appears and disappears? Both dualism and monotheism fail to give a congruent explanation for the reality of the suffering and death humans have to face, but both offer the promise of overcoming this reality. The role of apologetics is not to seek the truth but to strengthen hope.

6 Conclusions on the Role of Religion and the Reasons for the Ascendancy of Monotheism over Dualism

Religion usually has several functions: to explain the world, to give hope, to support the social order by sanctifying it,⁷⁸ and to contribute to communal and individual identity. Dualism’s explanation of the world is better suited to

76 See above, n. 27.

77 See Stroumsa/Stroumsa, “Aspects,” pp. 42f., 45f.; and Giorgi, *Pour une histoire*, pp. 87f.

78 Marcion’s “God of the Law” has a normative, prescriptive role, whereas his “God of Love” gives hope. Seeing these two as united serves the established social order, whilst

human logic, which is dual, as it reflects the evolutionary need for classification (but not the absolute and ultimate truth, which is incomprehensible due to the fact that a subsystem, such as the human mind, cannot comprehend the universal system of which it is part). When it comes to hope, monotheism works better, as it denies the substantiality of Evil. Both monotheism and dualism are strong identity makers, but while the first tends to be more suitable for the establishment, the latter rather fits the anti-establishment. Monotheism can be used to challenge the established social order, but is also highly effective in maintaining it. Dualism was also put to the service of the establishment, but it was often a support for the anti-establishment and its counter-establishment. The optimism of monotheism concerns not only the other world but this world as well. According to monotheism, things are basically all right and Evil is nothing more than a kind of challenge, test, or measure.

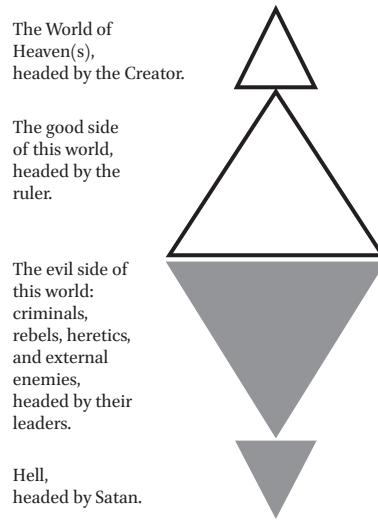
Hierarchical pyramids of power are usually capped by a single decision maker. Such earthly pyramids are reinforced by postulating a similar pyramid capped by the Creator of the universe, who is usually also considered to be the one who prescribes the rules and designates the rulers of society. It is posited that this positive pyramid has as its dark counterpoint the hierarchy of Evil. The more one's vision of this world and its rulers is negative, the more one regards that dark pyramid as substantial. The more one's vision of this world is positive, the more one sees it as a mere shadow of the Light.

Due to the nature of decision making, both the establishment and the anti-establishment assume hierarchies. The establishment identifies itself as a reflection of the holy hierarchy projected onto heaven, to which it is linked with its ruler, chosen by the heavenly Ruler, who directs him to guide his flock to Him as a good shepherd. The shadow pyramid is seen as populated by the internal and external enemies of the establishment, heading to the underworld ruled by Satan, himself a damned rebel. The anti-establishment sees the hierarchy of the establishment as the pyramid of Darkness, serving the Prince of Darkness and oppressing the Light in this world.

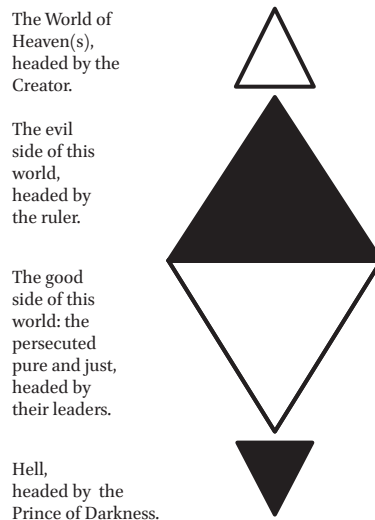
Dualism is a result of the attempt to divide the universe into separate entities, classified most importantly as good or bad. Dualist religions absolutize all Good in a good god and all Evil in his evil antagonist. Monotheisms go even further by pushing Evil to the margin, in order to give more power to the good God and to his representatives on earth, as well as more hope for their subjects.

contrasting them challenges it. See also C.G. Jung, *Antwort auf Hiob* (Zürich, 1952), English translation by R.F.C. Hull, *Answer to Job* (London, 1954).

6 A Diagram of the Monotheistic and the Dualistic Worldviews⁷⁹



According to the monotheistic worldview, the hierarchy of power in this world reflects that of the Heaven(s), while that of the underworld is the former's shadow, both in this world and in Hell.



According to the dualistic worldview, this world is ruled by the forces of darkness, which is not a mere shadow, but is substantial in nature, and the light is an oppressed captive hoping for liberation.

⁷⁹ This diagram cannot represent the infinite variations and interplays of monotheistic and dualistic beliefs; its only aim is to illustrate some general trends.

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Kufr et *takfīr* dans l'ismaélisme fatimide: Le *Kitāb Tanbīh al-hādī* de Ḥamīd al-Dīn al-Kirmānī

Daniel De Smet

[Le *Bāṭinisme*] est une doctrine dont le sens apparent (*ẓāhir*) relève du chiisme [littéralement: “du rejet” (*al-raḥd*)] et le sens caché (*bāṭin*) de l'incroyance pure (*al-kufr al-mahḍ*)¹.

Cette phrase lapidaire qui sonne comme un slogan, est le fil rouge reliant entre eux les différents chapitres du *Kitāb Fadā'ih al-bāṭiniyya* («Les ignominies des *Bāṭinites*») d'Abū Ḥamīd al-Ghazālī (m. 505/1111). Le théologien ash'arite achève cet ouvrage de polémique anti-ismaélienne par une *fatwā* qui éclaire parfaitement sa position à l'égard des Ismaéliens. Leur théorie chiite, «*rāfiḍite*», de l'imamat et de l'infailibilité de l'imam y est taxée d'«*errance*» (*ḍalāl*) et d'«*innovation illicite*» (*bid'a*). En revanche, sont qualifiés d'«*incroyance*» (*kufr*) les thèses suivantes : admettre l'apparition d'un prophète après Muḥammad dont la fonction sera d'abroger la loi islamique (à savoir le septième *Nāṭiq* en sa qualité de *Qā'im*, «*Résurrecteur*»); prononcer le *takfīr* contre Abū Bakr, 'Umar et 'Uthmān (*i.e.* le *sabb al-salaf*, «*la malédiction des anciens*»); nier la résurrection corporelle et la réalité du Paradis et de l'Enfer; enfin, adorer deux divinités. Ceux qui partagent ces croyances et s'adonnent à ces pratiques sont, selon al-Ghazālī, des *kuffār* «dont le sang est licite²».

Hormis la dernière thèse invoquée qui résulte d'une interprétation malveillante de la doctrine ismaélienne³, toutes les autres ont en effet été professées,

1 al-Ghazālī, *Fadā'ih al-bāṭiniyya*, p. 37. Le *raḥd*, le «rejet» de la plupart des Compagnons du Prophète, est un terme injurieux pour désigner le chiisme ; les chiites sont dès lors appelés des «*Rāfiḍites*».

2 al-Ghazālī, *Fadā'ih al-bāṭiniyya*, pp. 146–155.

3 Dès le 10^e siècle, la polémique anti-ismaélienne s'efforce à démontrer que les Ismaéliens, dont la secte aurait été fondée par le «*dayṣānite*» (disciple de Bardaisan) Maymūn al-Qaḍḍāh, ne sont pas des musulmans, ni même des monothéistes, puisqu'ils vénéreraient deux divinités : le «*Précédant*» (*al-Sābiq*) ou l'Intellect et le «*Suivant*» (*al-Tālī*) ou l'Âme universelle. Les polémistes négligent ainsi de mentionner que, dans la cosmologie ismaélienne de l'époque, ces deux hypostases (*hudūd*) du monde intelligible dépendent de l'Instaurateur (*al-Mubdi'*), le Principe ultime inconnaissable et ineffable ; voir De Smet, «*Al-Ġazālī et les Ismaéliens* ».

sous une forme ou une autre, par des auteurs ismaéliens de tendance carmathe, fatimide, ṭayyibite et nizârite. Dès le début du 10^e siècle, ces doctrines, très éloignées des normes religieuses et théologiques généralement admises en islam, ont suscité une répulsion très vive de la part des autres musulmans, toutes tendances confondues. Les pamphlets pro-abbassides d'Ibn Rizām et d'Akhū Muḥsin (3^e/10^e s.), les hérésiographies chiites duodécimaines d'al-Nawbakhtī (écrite avant 286/899) et d'al-Qummī (avant 292/905), les ouvrages de polémique anti-ismaélienne du Zaydite Abu l-Qāsim al-Bustī (m. 420/1029) et des Ash'arites al-Baghdādī (m. 429/1037) et al-Bāqillānī (m. 403/1012), présentent unanimement l'ismaélisme comme un *kufṛ* gigantesque, un complot contre l'islam, ourdi par des *zindīqs* dualistes s'abreuvant de surcroît aux thèses les plus «hérétiques» des philosophes antiques et musulmans.

Bien que l'histoire de cette vaste littérature anti-ismaélienne reste à écrire⁴, le présent article propose de se déplacer dans le camp adverse, celui des soi-disant «*kuffār*» ismaéliens. Car, à leur tour, ils ont taxé certaines doctrines de *kufṛ* et ont prononcé le *takfīr* contre bon nombre de leurs adversaires. Toutefois, établir un inventaire des thèses incriminées afin de cerner le sens du terme *kufṛ* dans l'ismaélisme, s'avère être une tâche malaisée. L'absence d'unité doctrinale fait que l'ismaélisme se déploie en une mosaïque de mouvements adverses dont les membres accusent volontiers de mécréance ceux des courants rivaux. *Kufṛ* est par conséquent une notion toute relative, souvent utilisée comme une simple injure, sans qu'il n'y ait une base légale clairement définie. Le terme apparaît généralement en des textes doctrinaux, philosophiques ou théologiques, écrits par des propagandistes (*du'āt*) sous l'autorité réelle ou supposée de l'imam, le seul à avoir, juridiquement, le droit de prononcer le *takfīr*. Aux 10^e et 11^e siècles, l'ismaélisme fatimide, devenu la doctrine officielle d'un vaste empire dont l'immense majorité des sujets musulmans étaient sunnites, a élaboré une doctrine «modérée» qui se démarque des tendances plus «radicales» des Carmathes, des Nizârites et des Ṭayyibites. Mais chaque mouvement a eu ses propres dissidents, ses propres «exagérateurs» (*ghulāt*), dont les chefs furent excommuniés en des circonstances souvent obscures. En effet, dans la littérature ismaélienne, une véritable *damnatio memoriae* semble reposer sur ces dissidents et leurs thèses «hérétiques» : en bien des cas, ils ne nous sont connus que par des sources non-ismaéliennes⁵.

4 Pour un aperçu (partiellement dépassé) de la littérature anti-ismaélienne, voir Goldziher, *Streitschrift*, pp. 14–18; pour le cas spécifique d'al-Ghazālī, voir Mitha, *Al-Ghazālī*, ainsi que De Smet, «Al-Ghazālī et les Ismaéliens».

5 L'exemple le plus frappant est la doctrine druze, fondée en Égypte fatimide au début du 11^e siècle par des *du'āt* ismaéliens dissidents, qui curieusement n'a laissé aucune trace dans la

Afin d'éviter de nous perdre dans un dédale inextricable, j'ai choisi comme guide un ouvrage inédit de Ḥamīd al-Dīn al-Kirmānī (m. après 411/1021), un des principaux représentants de l'ismaélisme fatimide «modéré»⁶ : le *Kitāb Tanbīh al-hādī wa-l-mustahdī*⁷. En ce livre de polémique, al-Kirmānī passe en revue les différentes branches et écoles, aussi bien de l'islam sunnite que chiite, en qualifiant leurs thèses respectives—avec les mêmes termes employés par al-Ghazālī dans sa *fatwā* contre les Ismaéliens—tantôt d'«errance» (*ḍalāl*) ou d'«innovation illicite» (*bid'a*), tantôt d'«incroyance» (*kufṛ*). Le *Tanbīh al-hādī* offre ainsi la possibilité d'établir, de façon préliminaire, ce qu'un auteur fatimide modéré considèrerait comme *kufṛ* et de démarquer sa position par rapport aux mouvements ismaéliens plus radicaux⁸. L'image qui en ressort est complexe, car la question du *kufṛ* et du *takfīr* se situe au moins à cinq niveaux différents.

1 « La malédiction des anciens »

Le chapitre 13 du *Tanbīh al-hādī* est consacré à l'illégitimité de l'imamat d'Abū Bakr. Al-Kirmānī y évoque une thèse, déjà présente dans les plus anciens textes ismaéliens qui nous sont parvenus⁹, selon laquelle chaque prophète depuis Adam a eu un adversaire (*didd*), un antagoniste qui s'efforçait de saboter sa mission. Le Prophète Muḥammad n'échappa pas à cette règle : son «adversaire» n'était autre qu'Abū Bakr, assisté par ses «complices» 'Umar et 'Uthmān¹⁰. Al-Kirmānī enchaîne avec un chapitre décrivant les événements après la mort du Prophète et l'usurpation du pouvoir par les trois premiers califes. En

littérature ismaélienne de l'époque. Constat analogue pour l'Ismaélien «hérétique» Aḥmad b. al-Kayyāl, dont la doctrine est connue principalement par le *Kitāb al-Milal wa-l-niḥal* d'al-Shahrestānī ; voir De Smet, «Aḥmad al-Kayyāl».

6 Sur al-Kirmānī, voir De Smet, *La Quiétude de l'Intellect*; Walker, *Ḥamīd al-Dīn al-Kirmānī*.

7 J'ai utilisé le Ms. 723 de l'*Institute of Ismaili Studies* de Londres, daté de Rajab 1354/1935 ; cf. Gacek, *Catalogue*, p. 125. Bien qu'écrit en un *naskhī* aisément lisible, certaines parties du manuscrit sont d'une qualité plutôt médiocre. Je tiens à remercier Alnoor Merchant de m'en avoir procuré une photocopie.

8 Il serait dès lors intéressant de comparer la position du philosophe et théologien al-Kirmānī, qui ne semble pas avoir eu un intérêt particulier pour des questions de droit, à l'immense œuvre juridique de cet autre grand représentant de l'ismaélisme fatimide que fut le Qāḍī al-Nu'mān, l'unique *faqīh* ismaélien qui nous soit connu.

9 Voir les textes analysés par Halm, *Kosmologie*, pp. 27–36 (il s'agit du *Kitāb al-Kashf* et du *Kitāb al-Fatārāt wa-l-qirānāt*, tous les deux attribués à Ja'far b. Manṣūr al-Yaman).

10 al-Kirmānī, *Tanbīh*, pp. 101–106.

refusant d'obéir à 'Alī et de reconnaître son imamat, ils sont «retournés vers le culte des idoles», se sont opposés au commandement de Dieu et ont fait preuve d'incroyance (*kufṛ*). Le résultat fut la division (*tafarruq*) de la communauté musulmane en 73 factions (*firaq*), dont seule une est restée dans la bonne voie, comme en témoigne un *ḥadīth* célèbre cité à l'appui¹¹.

Bien que cette présentation des débuts de l'islam n'ait rien de surprenant sous la plume d'un auteur chiite, la façon dont al-Kirmānī traite le thème est intéressante. Il accuse clairement les trois premiers califes et leurs alliés de *kufṛ*, ou du moins d'avoir généré, par leur insubordination à la volonté divine, le *kufṛ* qui sera à la base du morcellement de l'islam et produira à son tour un foisonnement de doctrines déviantes et infidèles. Mais, comparé à ce que l'on lit d'habitude dans les textes ismaéliens, il s'exprime en des termes modérés, tout en se gardant de maudire ouvertement les adversaires de 'Alī (en faisant suivre leurs noms, par exemple, par la formule *la'anahum Allāh*). En outre, contrairement à une doctrine très répandue dans l'ismaélisme, il ne les décrit pas comme des «démons», des manifestations d'Iblīs, dont le chef 'Umar b. al-Khaṭṭāb, le prototype du *kāfir*, a souvent droit à l'épithète d'*Iblīs al-abālisa*, de préférence écrit en alphabet secret à la fois par mesure de prudence et pour ajouter un effet magique à la malédiction¹².

Certes, la présence ou l'absence de ces épithètes et formules varie souvent d'un manuscrit à l'autre suite à l'intervention des copistes et ne constitue guère un indice probant pour déterminer l'intention de l'auteur. Toutefois, il est bien établi qu'à l'époque d'al-Kirmānī, la «malédiction des anciens» était une question très délicate. Nous savons en effet par l'historien al-Maqrīzī que des Ismaéliens zélés s'étaient livrés à cette pratique dans les rues et les mosquées du Caire, causant des troubles graves auprès de la population sunnite, suite à quoi le calife-imam fatimide al-Ḥākim promulgua plusieurs édits punissant de mort tous ceux qui exprimeraient en public le *sabb al-salaf*¹³. Cela explique, sans doute, la prudence avec laquelle al-Kirmānī aborde la matière. Sans faire appel à une rhétorique militante, il considère néanmoins les adversaires de 'Alī comme des *kuffār*.

11 al-Kirmānī, *Tanbīh*, pp. 106–108. Sur le *ḥadīth* des 73 (ou 72) «sectes», qui a été mis à toutes les sauces, voir van Ess, *Der Eine und das Andere*, pp. 7s.

12 'Umar est associé au démon (Iblīs, Shayṭān), p. ex. dans Ja'far b. Maṣṣūr al-Yaman (attribué à), *Kitāb al-Kaṣf*, p. 125 (passages en alphabet secret). Sur l'emploi de cet alphabet dans les manuscrits ismaéliens, voir De Smet, «L'alphabet secret».

13 Halm, «Treuhänder Gottes», pp. 35–38.

2 Le croyant (*al-mu'min*), le musulman (*al-muslim*) et l'incroyant (*al-kāfir*)

L'ismaélisme « modéré » de tradition fatimide insiste fortement sur la complémentarité des deux cultes que chaque homme est censé rendre à Dieu. L'obéissance des créatures envers leur Créateur suppose, d'une part, l'adoration par les actes (*al-'ibāda al-'amaliyya*) ou « l'adoration exotérique » (*al-'ibāda al-zāhira*), qui consiste à suivre rigoureusement les préceptes de la *sharī'a* (selon son interprétation ismaélienne), condition absolue afin que l'âme acquière les vertus nécessaires à son salut. D'autre part, il faut y ajouter l'adoration par la science (*al-'ibāda al-'ilmiyya*) ou « l'adoration ésotérique » (*al-'ibāda al-bāṭina*), qui revient à acquérir la science (*'ilm*) du *bāṭin* de la révélation et de la loi, en acceptant l'enseignement (*ta'līm*) de l'imam. Cette science mène l'âme vertueuse à la béatitude éternelle¹⁴.

Celui qui adore Dieu par ces deux cultes et observe un strict équilibre entre les deux, est le *mu'min*, le « croyant ». En revanche, celui qui néglige un des deux cultes est infidèle (*kāfir*). Al-Kirmānī ne peut être plus clair à ce sujet :

Sache, ô frère, que l'adoration de Dieu est double : l'adoration par les actes et l'adoration par la science. Celui qui adore Dieu uniquement par les actes est infidèle (*kafara*), pour autant qu'il néglige de l'adorer par la science : il sera damné dans l'Au-delà et ses actes resteront vains... Celui qui adore Dieu uniquement par la science sans Lui témoigner [son obéissance] par les actes qui constituent l'autre forme d'adoration, est infidèle (*kafara*) pour autant qu'il prive Dieu de l'adoration exotérique : il sera en Enfer... Celui qui adore Dieu simultanément par les deux formes d'adoration sera au Paradis¹⁵.

Par ailleurs, tout homme qui se limite à adorer Dieu en suivant les règles de la *sharī'a* en leur sens littéral, sans chercher à en connaître la signification ésotérique réelle, est certes un musulman (*muslim*), mais il n'en est pas pour autant un croyant (*mu'min*). Cette distinction entre *mu'min* et *muslim*, entre la foi (*īmān*) et l'islam (*islām*), est une expression de la « vision duelle » qui caractérise

14 al-Kirmānī, *Tanbīh*, pp. 27–30, 92–94. Sur la distinction entre ces deux formes de culte dans l'œuvre d'al-Kirmānī et son rapport avec les notions d'*al-'ibāda al-shar'iyya al-nāmūsiyya* et *al-'ibāda al-falsafīyya al-ilāhiyya* dans les *Rasā'il Ikhwān al-Ṣafā'*, voir De Smet, « Philosophie grecque », pp. 345s.

15 al-Kirmānī, *Tanbīh*, pp. 31s.

tous les courants chiïtes, y compris la tradition imamite duodécimaine¹⁶. Or, pris au pied de la lettre, on pourrait déduire du passage que nous venons de lire qu'al-Kirmānī considère tous les *muslimūn*, c'est-à-dire les «exotéristes» (*ahl al-ẓāhir*) qui se limitent à «l'adoration exotérique» en refusant la science du *bāṭin*—en d'autres termes les sunnites—comme des *kuffār*.

En réalité, notre auteur adopte une attitude plus nuancée. Il ne tarde pas à préciser le rapport complexe qu'il établit entre le *mu'min*, le *muslim* et le *kāfir*. Le *mu'min* allie l'action à la science tandis que le *muslim* se limite à l'action en ignorant ou en rejetant la science. Le *mu'min* qui viole le pacte d'allégeance (*ahd*) par lequel il est lié à l'imam et ne respecte pas le devoir de fidélité (*walāya*) envers lui, devient un *kāfir*. De même, le *mu'min* qui, ayant acquis la science, estime être affranchi du devoir de suivre les règles de la *sharī'a*, est un *kāfir*. En revanche, le *muslim* qui ne pratique plus les préceptes de la loi, n'est pas un *kāfir*, mais il devient un *ghayr muslim*, un « non-musulman »¹⁷.

Par conséquent, *īmān* s'oppose à *kufṛ* et *islām* à *ghayr islām*. En d'autres termes, l'incroyant est l'Ismaélien dissident qui s'oppose à l'autorité de l'imam et est attiré par l'antinomisme, deux déviances particulièrement graves aux yeux d'al-Kirmānī, comme nous le verrons par la suite. Par contre, le musulman «non-pratiquant» est simplement non-musulman : il ne peut devenir incroyant puisqu'il n'a jamais été croyant. Le sunnite qui récite pieusement le Coran sans en comprendre le sens et qui pratique scrupuleusement les «piliers de l'islam» alors que leur sens véritable lui échappe, commet des actions futiles, qui n'ont d'autre utilité que de garantir l'ordre public. Cesser ces pratiques est un acte religieusement indifférent, mais politiquement dangereux, car susceptible de mettre en péril le bon fonctionnement de la société. Pour al-Kirmānī, la loi exotérique doit être respectée par tous, car elle a été imposée par Dieu pour dompter la nature corrompue de l'homme et éviter que l'anarchie et la «loi de la jungle» ne règnent sur terre. Dès lors, le *muslim* qui transgresse la loi n'est pas un «incroyant», mais un mauvais citoyen, un criminel en puissance¹⁸.

Toutefois, le rôle sociétal dévolu à l'aspect exotérique de la loi nécessite que celle-ci soit appliquée à la lettre. Or, certains musulmans se sont mis à spéculer sur le contenu du Coran et de la *sharī'a* en faisant un usage incontrôlé de la raison (*al-aql*), c'est-à-dire non soumis à l'enseignement de l'imam. En

16 Amir-Moezzi/Jambet, *Qu'est-ce que le shī'isme ?*, pp. 34s. Al-Kirmānī, *Tanbīh*, p. 62, cite à ce sujet un *ḥadīth* du 6^e imam Ja'far al-Ṣādiq : «L'islam est l'exotérique et la foi est l'ésotérique pur dans le cœur. La foi est dans le cœur et l'islam est ce qui forme paire avec elle».

17 al-Kirmānī, *Tanbīh*, pp. 52s.

18 Sur cette conception de la loi dans la pensée ismaélienne, notamment chez Abū Ya'qūb al-Sijistānī et al-Kirmānī, voir De Smet, «Loi rationnelle et loi imposée ».

résultèrent tout un ensemble de mouvements et d'écoles prônant des thèses erronées, dont certaines mènent à l'incroyance. Une nouvelle forme de *kufṛ* se dessine ainsi.

3 La « pensée sauvage » : la pratique de la raison sans maître

« Toute déduction par la raison, si elle s'opère sans maître, est vaine » (*al-istidlāl min tariq al-'uqūl min ghayr mu'allim bāṭil*)¹⁹. Par cette sentence, al-Kirmānī n'entend certes pas nier la légitimité d'une approche rationnelle du Coran et de la *sharī'a*. Bien au contraire, la pensée ismaélienne est d'une nature éminemment « rationaliste ». Aussi, al-Kirmānī soutient-il que le Coran et la *sharī'a*, pris à la lettre, contiennent de nombreuses absurdités contraires à la raison, qu'il convient d'interpréter de façon rationnelle. Pour être valable, toute exégèse (*ta'wīl*) doit répondre aux exigences de la raison (*'aql*) et aux règles de la démonstration (*burhān*)²⁰. Mais, afin d'éviter les dérives, cet emploi de la raison humaine doit se faire sous la conduite de l'imam. Les courants de pensée qui essaient de concevoir Dieu et la structure de l'univers par la seule force de la raison individuelle, ou qui tentent d'expliquer rationnellement le Coran et la loi sans faire appel à l'enseignement de l'imam, s'exposent au danger d'élaborer des doctrines absurdes, vaines et erronées, sinon à sombrer dans le *kufṛ*. Al-Kirmānī s'attaque alors à différents groupes qui commettent une telle imprudence.

3.1 Les philosophes

Les prétendus philosophes (*al-mutafalsifūn* ; notez l'emploi de la 5^e forme !), confiants de pouvoir saisir l'essence de Dieu et la genèse de l'univers par la seule force de leur raison, s'engouffrent dans l'errance (*ḍalāl*). Ils se font une conception de Dieu qui est non seulement contraire à la lettre du Coran, mais qu'aucune exégèse rationnelle dûment menée ne peut déduire du texte révélé. Al-Kirmānī donne l'exemple du verset : « nul n'est égal à Lui » (Coran 112:4). Bien que le texte soit parfaitement clair et ne puisse être interprété autrement que comme une attestation de la transcendance absolue de Dieu, les philosophes soutiennent que « Dieu est un Intellect et qu'un [autre] Intellect pareil à Lui émane de Lui »²¹. Dès lors, les philosophes confondent Dieu—l'Instaurateur

19 al-Kirmānī, *Tanbīh*, p. 148.

20 al-Kirmānī, *al-Maṣābīḥ* = Walker, *Master of the Age*, pp. 28–32 (texte arabe).

21 al-Kirmānī, *Tanbīh*, p. 114. Il est tentant d'y voir une attaque contre Avicenne qui, dans son *Tafsīr Sūrat al-Ikhlāṣ*, déduit une large part de son système métaphysique de la sourate

(*al-Mubdi'*)—avec l'Intellect, sa première créature. Selon eux, Dieu est un Intellect dont l'univers procède, comme l'effet (*ma'lūl*) procède de la cause (*'illa*), par voie d'émanation (*fayḍ*)²². Il en résulte soit une forme de panthéisme (l'ordre du créé participe dans son ensemble à l'essence divine), soit une forme d'associationnisme (*shirk*), Dieu étant «associé» à ses créatures²³.

Issues de raisonnements caduques, ces thèses sont considérées par al-Kirmānī comme futiles (*bāṭil*) et tronquées (*fāsid*), mais—contrairement aux diatribes anti-philosophiques de nombreux théologiens musulmans—il se garde de les qualifier de *kufṛ*. Tout au plus s'agit-il d'errance (*ḍalāl*). Son indulgence envers les philosophes s'explique sans doute par le fait qu'al-Kirmānī était lui-même un «philosophe» qui s'inspira largement d'al-Fārābī, tout en intégrant dans son système des éléments empruntés aux paraphrases arabes de Plotin et de Proclus²⁴.

3.2 Les mutakallimūn : Mu'tazilites et Ash'arites

En passant des philosophes aux adeptes du *kalām*, le ton monte. Les «ignominies» (*faḍā'ih*) professées par les *mutakallimūn* se rapportent principalement à leurs fausses conceptions des attributs et noms divins. Les théories diverses et contradictoires qu'ils ont construites à ce sujet, sont toutes taxées de *shirk* : elles assimilent Dieu à ses créatures et compromettent sa transcendance absolue.

La théologie «rationnaliste» des Mu'tazilites est, pour al-Kirmānī, l'exemple par excellence d'une interprétation «sauvage» du Coran basée sur un usage arbitraire de la raison. Ainsi, ils ont correctement entrevu que les attributs et les noms divins mentionnés dans le Coran ne s'appliquent à l'essence de Dieu que de façon métaphorique (*'alā ṭarīq al-majāz*) : il ne s'agit guère plus que de la manière dont la raison humaine conçoit l'inconcevable et l'exprime à l'aide de concepts et de mots relevant du langage. Pour approcher l'essence divine,

112 ; voir De Smet/Sebti, «Avicenna's Philosophical Approach». Toutefois, je n'ai jamais trouvé dans l'œuvre d'al-Kirmānī le moindre indice prouvant de façon certaine qu'il avait eu connaissance de la pensée d'Avicenne, probablement son cadet d'une ou de deux générations.

22 al-Kirmānī reprend cette critique de l'émanatisme des *falāsifa* dans son *Kitāb Rāḥat al-'Aql*, pp. 171s. Pour notre auteur, le Principe ineffable et inconnaissable, qui n'est pas une cause, produit par un acte d'instauration (*ibdā'*) l'Intellect, la première cause dont l'univers procède par émanation. L'Intellect s'identifie alors au Dieu des *falāsifa* ; voir De Smet, *Quiétude*, pp. 101–146.

23 al-Kirmānī, *Tanbīh*, pp. 119–127.

24 De Smet, «Al-Fārābī's Influence». Sur l'attitude ambiguë d'al-Kirmānī envers les *falāsifa*, voir Walker, *Ḥamid al-Dīn al-Kirmānī*, pp. 118–124 ; De Smet, «Philosophie grecque», pp. 359–362.

les Mu'tazilites ont ébauché une théologie négative, en niant la «réalité» des attributs. Mais, en même temps et en contradiction flagrante avec ce qui précède, ils ont élaboré des théories sur la puissance, la vie, la science et la justice de Dieu, quitte à l'assimiler à un être humain et à ruiner complètement sa transcendance par rapport à ses créatures²⁵.

L'hostilité d'al-Kirmānī envers le *kalām* s'accroît lorsqu'il aborde l'ash'arisme. Considérés comme les représentants par excellence des *ahl al-zāhir* qui prennent les énoncés du Coran au pied de la lettre, les Ash'arites sont eux-aussi accusés de *shirk*. Ils reconnaissent non seulement la «réalité» des attributs, mais en faisant un usage abusif de la raison et de la déduction rationnelle, ils vont jusqu'à soutenir que les attributs sont des entités présentes dans l'essence divine. Par conséquent, ils ne se contentent pas d'associer Dieu à ses créatures, en lui reconnaissant des qualités qui ne s'appliquent qu'aux êtres créés, mais ils admettent une multitude d'entités coexistantes avec l'essence divine, ce qui est du polythéisme²⁶.

Al-Kirmānī qualifie les positions «corrompues» (*fasād*) des Mu'tazilites et des Ash'arites d'«errance» (*ḍalāl*) et non de *kufr*. Pour l'auteur ismaélien, la transcendance de l'Instaurateur inconnaissable et ineffable interdit de lui reconnaître tout attribut, tout nom, toute qualité, qui par nature ne s'appliquent qu'aux êtres créés, en premier lieu à l'Intellect. Dès lors, les *mutakallimūn* commettent la même erreur que les philosophes : ils confondent l'Intellect, le premier être créé, avec Dieu, le Principe ultime. Si les théologiens et les philosophes avaient fait un usage contrôlé de leur raison, en se laissant guider par l'enseignement de l'imam, ils auraient compris que les attributs et noms divins mentionnés dans le Coran ne se rapportent pas à l'Instaurateur, mais uniquement à l'Intellect²⁷.

Alors que les Mu'tazilites et les Ash'arites sont dans l'erreur, certains *mutakallimūn* parmi les *ahl al-zāhir* poussent la lecture littérale du Coran à un tel point qu'ils se représentent Dieu comme un homme assis sur un trône, avec un corps humain, qui parle à ses créatures, se fâche contre elles et règne sur l'univers comme un monarque. Pour al-Kirmānī, cette forme extrême de *shirk* dépasse la simple errance : il s'agit bel et bien de *kufr*. La thèse incriminée est celle du *tajsīm* («corporéisme»), professée par des *ahl al-tajsīm*, des

25 al-Kirmānī, *Tanbīh*, pp. 127–137. Cette partie du chapitre «Sur la nature corrompue (*fasād*) de la croyance des Mu'tazilites» reprend d'une façon assez désordonnée les critiques contre le mu'tazilisme émises par al-Kirmānī en d'autres ouvrages, notamment le *Rāḥat al-'Aql*; voir De Smet, «Les rapports ambigus».

26 al-Kirmānī, *Tanbīh*, pp. 149–153.

27 De Smet, *Quiétude*, pp. 159–168.

«corporéistes» dont l'identité n'est toutefois pas spécifiée. Al-Kirmānī décrit leur position en son chapitre sur les Ash'arites, donnant ainsi l'impression que leur thèse est une forme extrême d'ash'arisme²⁸.

La raison pour laquelle al-Kirmānī considère le *tajsīm* comme *kuf*r dépasse de loin sa polémique contre le sunnisme. En effet, l'idée que Dieu possède un corps humain, «s'incorpore» d'une façon ou d'une autre, lui semble particulièrement pernicieuse puisqu'elle surgit, d'une façon certes différente, dans maint courant ultra-chiïte, notamment au sein même de l'ismaélisme, comme nous le verrons à l'instant.

3.3 *Les fuqahā'*

Après les *mutakallimūn*, al-Kirmānī s'attaque aux *fuqahā'*, ou plutôt aux différentes méthodes soi-disant «rationnelles» qu'ils ont imaginées pour déduire des préceptes juridiques à partir du texte coranique : le *qiyās*, l'*ijtihād*, l'*istihsān* et le *ra'y*. Tous ces *ahl al-ra'y wa-l-qiyās wa-l-ijtihād* commettent la même erreur que les philosophes et les *mutakallimūn* : ils s'adonnent à des déductions en usant de leur faculté rationnelle (*istidlāl bi l-'uqūl*), sans avoir recours à un maître (*mu'allim*)²⁹. La divergence entre les écoles juridiques (*ikhtilāf al-madhāhib*) est le résultat de ces pratiques arbitraires.

Les différents chapitres consacrés à ce thème se distinguent par leur ton virulent et par les critiques acerbes lancées contre les écoles sunnites et duodécimaines. Ceux qui pratiquent le *qiyās* sont voués à l'Enfer ; de même, les partisans du *ra'y*, de l'*ijtihād* et de l'*istihsān* vont droit à la perdition³⁰. L'argument est toujours le même : ils se substituent à l'autorité du Prophète et de ses successeurs en usurpant un droit qui ne revient qu'à l'imam présent. De surcroît, ils imposent à leurs adeptes le *taqlīd*, la soumission aveugle à leurs propres élucubrations, alors qu'ils n'en ont pas été mandatés, ni par Dieu, ni pas ses Envoyés. Pratiquer ces méthodes juridiques sans accepter la guidance

28 al-Kirmānī, *Tanbīh*, pp. 151–153. Bien qu'il ne soit pas clair à quel mouvement al-Kirmānī se réfère exactement, la doctrine qu'il décrit rappelle celle des Karrāmiyya, les disciples du «corporéiste» notoire Ibn Karrām ; voir Gimaret/Monnot, *Shahrestani. Livre des religions et des sectes*, pp. 347–361.

29 al-Kirmānī, *Tanbīh*, pp. 143s.

30 Qāḍī al-Nu'mān, *Ikhtilāf*, p. 158, rapporte une tradition selon laquelle l'imam Ja'far al-Šādiq, au cours d'une dispute avec Abū Ḥanīfa, aurait déclaré : «le premier qui raisonna par *qiyās* fut Iblīs et il commit un péché». Le rejet du *ra'y*, du *qiyās* et des autres formes de déduction employées dans l'argumentation juridique est caractéristique du *fiqh* fatimide ; voir Brunschvig, «Argumentation fatimide». Sur l'interdiction du *qiyās*, voir également al-Kirmānī, *al-Maṣābiḥ*, p. 43 (texte arabe).

de l'imam, l'unique autorité en matière de droit, mène inéluctablement à l'errance ou au *kufṛ*.

Al-Kirmānī prononce le *taḳfīr* contre les *fuḳahā'* qui altèrent la loi divine en rendant *ḥalāl* ce qui est *ḥarām* et *ḥarām* ce qui est *ḥalāl*. Ainsi, Abū Ḥanīfa se voit accusé de *kufṛ* pour avoir rendu licite la consommation du vin ; il en va de même des juristes chiites duodécimains qui autorisent le mariage temporaire (*mut'a*), pratique rigoureusement interdite par les Ismaéliens³¹.

La position intransigeante d'al-Kirmānī sur ces questions juridiques pourrait en partie s'expliquer par le spectre des mouvements ultra-chiites (*ghulāt*), célèbres pour leur antinomisme.

Cette section du *Tanbīh al-hādī* s'achève par un chapitre sur la notion sunnite du consensus (*ijmā'*). Celle-ci n'a aucune valeur, si ce n'est de tomber d'accord sur l'errance ou, pire encore, sur l'incroyance. Ainsi, ceux qui étaient unanimes à suivre 'Umar ont fait acte de *kufṛ* : seul un *kāfir* s'allie à un *kāfir*³² !

4 L'exagération (*ghuluww*) et les dissidences au sein de l'ismaélisme

Le chapitre consacré aux *ghulāt*³³ aborde une autre forme de *kufṛ* que celle liée à l'usage de la raison sans maître. Ce chapitre ne manque pas d'ambiguïté, ce qui constitue tout son intérêt. Al-Kirmānī s'y attaque explicitement au *kufṛ* (le mot apparaît déjà dans le titre) de deux sectes ultra-chiites rivales, bien qu'étroitement liées l'une à l'autre : la *Ishāqīyya*, fondée par Ishāq al-Aḥmar—un *ghālī* situé dans l'entourage du 11^e imam des Imamites et mort à Bagdad en 286/899—et la *Nuṣayrīyya*, issue du même milieu de *ghulāt* qui fréquentaient le 11^e imam³⁴. L'ambiguïté réside dans le fait qu'al-Kirmānī condamne des thèses qui—sous une forme affaiblie, il est vrai—font partie intégrante de la doctrine ismaélienne et ont été soutenues, dans leur version « forte », par des *du'āt* ismaéliens dissidents à l'époque même d'al-Kirmānī. Or, la polémique est entièrement dirigée contre les Ishāqīs et les Nuṣayrīs, sans la moindre référence aux *ghulāt* ismaéliens qui jettaient le trouble au sein de l'ismaélisme fatimide.

Ainsi, en évoquant la thèse du *ḥulūl*, l'infusion de Dieu dans le corps des imams, al-Kirmānī l'attribue aux Ishāqīs et aux Nuṣayrīs, tout en se référant à sa *Risāla al-Wā'iẓa* pour de plus amples arguments contre cette doctrine

31 al-Kirmānī, *Tanbīh*, pp. 153–180.

32 al-Kirmānī, *Tanbīh*, pp. 181–189.

33 Sur la notion de *ghuluww*, voir De Smet, « Exagération ».

34 Sur Ishāq « le rouge », les Ishāqīs et leurs rapports avec la secte rivale des Nuṣayrīs, voir Friedman, *The Nuṣayrī-Alawīs*, pp. 9s., 16, 55, 66, 249.

inadmissible à ses yeux³⁵. Toutefois, ce traité n'est pas dirigé contre les Ishāqīs et les Nuṣayrīs, mais contre un certain al-Ḥasan b. Ḥaydara al-Farghānī al-Akhram, manifestement un *dā'ī* ismaélien dissident qui avait professé l'infusion de la divinité dans le corps de l'imam-calife al-Ḥākim³⁶. De toute évidence, le *Tanbīh al-hādī* occulte les schismes et les dissidences qui ne cessaient de diviser l'ismaélisme. Néanmoins, en prenant pour cible des sectes étrangères au mouvement ismaélien, al-Kirmānī semble s'attaquer indirectement à ses propres *ghulāt*³⁷. Il réfute leurs positions d'une manière assez subtile, de sorte à ne pas compromettre des doctrines admises par la *da'wa* ismaélienne elle-même.

La première thèse incriminée est celle du *ḥulūl Allāh fī l-ashkhās* : « l'infusion de Dieu dans les personnes » des prophètes et des imams. Les *ghulāt* croient qu'*Allāh* s'est infusé dans les corps de Muḥammad, 'Alī, Fāṭima, al-Ḥasan, al-Ḥusayn et les imams de leur descendance qui tous, par essence, ne forment qu'une seule personne. Al-Kirmānī qualifie cette doctrine bien connue des mouvements *ghulāt* de *kufr*, exactement pour la même raison qu'il avait taxé d'incroyance la position des anthropomorphistes extrêmes parmi les *mutakallimūn*. Ce qui le rébuté n'est pas tellement la notion d' « infusion » (*ḥulūl*), mais plutôt celle de *tajsīm* : l'idée qu'*Allāh* entre dans un corps humain, puis le quitte pour réapparaître dans un nouveau corps. Accusant au passage les chrétiens de *ghuluww* à l'égard de Jésus, toute sa réfutation est basée sur l'argument que le « corporéisme » (*tajsīm*) est contraire à la transcendance d'*Allāh*, l'Instaurateur (*al-Mubdī'*), le Principe ultime. Reprenant sommairement l'argumentation philosophique qu'il a élaborée en détail dans la *Risāla al-Wā'iza* (ainsi que dans le *Rāḥat al-'aql*), al-Kirmānī entend démontrer l'incorporéité de Dieu, dont la transcendance est telle qu'Il est inaccessible à la fois à la raison

35 al-Kirmānī, *Tanbīh*, p. 207.

36 De Smet, *Quiétude*, pp. 7, 15, 49s. Contrairement à ce que j'avais écrit à l'époque, rien ne permet d'affirmer qu'al-Akhram était associé à la propagande druze ; par ailleurs, la doctrine réfutée par al-Kirmānī ne présente pas de lien direct avec celle de Ḥamza b. 'Alī, un des *du'āt* dissidents dont les écrits sont à la base de la religion druze ; voir De Smet, *Épîtres*, pp. 19s. Pour un résumé du contenu de la *Risāla al-Wā'iza*, voir Haji, *A Distinguished Dā'ī*, pp. 54–57.

37 Si la référence à la *Risāla al-Wā'iza*, écrite à Fustāt en Jumādā 11 408 (novembre 1017), n'est pas une interpolation, le *Tanbīh* doit être postérieur à cette année qui marque le début de la *da'wa* druze au Caire. Dès lors, l'absence d'allusions aux doctrines druzes en cet ouvrage de polémique ne peut qu'étonner. D'ailleurs, pour une raison inexpliquée, al-Kirmānī ne mentionne jamais de façon explicite, dans aucun de ses écrits, la propagande druze ; voir De Smet, *Épîtres*, pp. 20s. La chronologie des ouvrages d'al-Kirmānī pose cependant problème ; voir De Smet, *Quiétude*, pp. 10–13, Walker, *Ḥamid al-Dīn al-Kirmānī*, pp. 30–34.

humaine et à toute tentative de l'approcher par un «engagement du cœur» (*'aqd ḍamīr*), à savoir une expérience de type mystique. Dès lors, soutenir que l'Ultime inconnaissable et ineffable se manifeste sur terre en revêtant un corps humain est une idée absurde (*bāṭil*)³⁸.

Cette «absurdité» est néanmoins taxée de *kufṛ*, pour une raison que l'on entrevoit facilement. Au moment même où al-Kirmānī écrivait ces lignes, des *ghulāt* ismaéliens (al-Akhram et les fondateurs de la future religion druze : Ḥamza b. 'Alī, Ismā'īl al-Tamīmī et Bahā' al-Dīn al-Muqtanā) professaient ouvertement que Dieu s'était «fait homme» dans le corps d'al-Ḥākim, menaçant par leur propagande subversive le régime des Fatimides.

Toutefois, si le *ḥulūl Allāh* est conçu comme une thèse exagérée qualifiée de *kufṛ*, la notion même du *ḥulūl* reste hors de cause, puisqu'elle est à la base même de la prophétologie et de l'imamologie ismaéliennes. En effet, avec des nuances parfois importantes d'un auteur et d'un courant à l'autre, l'ismaélisme prône l'infusion du Commandement ou de la Parole divine—généralement identifiés à l'Intellect, le premier être instauré—dans les prophètes et les imams. En d'autres termes, pour un Ismaélien modéré, professer le *ḥulūl Allāh* et le *tajṣīm Allāh* est du *kufṛ*, tandis que soutenir le *ḥulūl al-'Aql* et le *tajṣīm al-'Aql* est parfaitement conforme à l'enseignement des imams. Y compris pour al-Kirmānī, l'imam est «l'Intellect incorporé» (*al-'aql al-mujassad*)³⁹.

Les *ghulāt* sont ensuite accusés de prêcher l'antinomisme (*ibāḥa*). Ils prétendent que grâce à la connaissance du sens ésotérique (*bāṭin*) des préceptes de la *sharī'a* qu'ils ont acquise du Dieu incorporé, ils sont dispensés d'en suivre la lettre (le *ẓāhir*). Ils se croient donc affranchis de la loi, estiment que tout est permis, et se livrent à toutes sortes d'actions interdites par la *sharī'a*. Pour al-Kirmānī, qui défend au contraire un strict équilibre entre le *ẓāhir* et le *bāṭin*, celui qui transgresse de la sorte la loi divine est un incroyant, un *kāfir*. Ce *takfīr* doit sans doute être compris dans le contexte de l'époque, où les propagandistes druzes, renouant avec l'antinomisme carmathe, avaient lancé au Caire une offensive contre la *sharī'a*, en proclamant son abrogation par al-Ḥākim⁴⁰.

Une troisième thèse condamnée comme *kufṛ* et attribuée aux *ghulāt* se rapporte à la transmigration des âmes, la métempsycose. Al-Kirmānī s'engage

38 al-Kirmānī, *Tanbīh*, pp. 206–210. Pour les arguments contre le corporéisme dans le *Rāḥat al-'aql* et la *Risāla al-Wā'iẓa*, voir De Smet, *Quiétude*, pp. 48–51 ; sur les sens que les Ismaéliens accordent à l'expression *'aqd ḍamīr*, voir De Smet, «Le Mystère des Mystères», pp. 78–80.

39 De Smet, «Marie, Marie Madeleine».

40 al-Kirmānī, *Tanbīh*, pp. 210s. Sur l'hostilité des Druzes envers la loi islamique et la proclamation de son abrogation par Ḥamza, voir De Smet, *Épîtres*, pp. 67–70.

ici sur un terrain délicat, puisque cette question a été fort débattue parmi les *du'āt* ismaéliens du 10^e siècle. Un des prédécesseurs d'al-Kirmānī, Abū Ya'qūb al-Sijistānī, avait en effet admis une forme de transmigration des âmes⁴¹. Bien qu'al-Kirmānī soit souvent en désaccord avec son collègue sur des points doctrinaux comme celui-ci, il ne lui serait jamais venu à l'esprit de l'accuser de *kufṛ* ou de l'associer aux *ghulāt* ! Il convient donc d'être très attentif à ce qu'il réfute exactement et à ce qu'il passe sous silence.

Tout d'abord, il impute aux *ghulāt* l'idée que Dieu a fait tomber les âmes en ce bas monde (*ihbāt Allāh al-arwāḥ ilā dār al-dunyā*), thèse qu'il qualifie d'impie, car contraire à la miséricorde (*rahma*) de Dieu⁴². Or, al-Sijistānī avait rejeté lui aussi, pour des raisons analogues, la conception gnostique de la chute des âmes, expulsées du monde intelligible suite à une faute primordiale⁴³. Néanmoins, profondément marqué par le néoplatonisme, il admettait la préexistence de l'âme humaine dans le monde intelligible : en tant que « parcelle » de l'Âme universelle, elle est descendue ici-bas pour s'unir à un corps⁴⁴. En argumentant contre la position des *ghulāt*, al-Kirmānī réfute implicitement celle d'al-Sijistānī, en niant la préexistence de l'âme et en soutenant que l'âme apparaît dans le corps au moment de la naissance⁴⁵. La subtilité réside dans le fait que la thèse de la chute—défendue par les *ghulāt*—se voit condamnée comme *kufṛ*, tandis que celle de la préexistence de l'âme—défendue par al-Sijistānī—est simplement réfutée comme une étape dans l'argumentation contre la première position.

S'attaquant alors à la transmigration elle-même, al-Kirmānī accuse les *ghulāt* de croire au transfert (*intiḳāl*) des âmes d'un corps à l'autre : « ils croient que les âmes transmigrent en [d'autres] corps après s'être séparées de leurs corps et qu'elles y retournent afin d'être torturées ou purifiées »⁴⁶. Ce qui le choque en particulier est l'idée que les âmes humaines damnées puissent se réincarner dans des corps d'animaux, afin d'y recevoir un premier châtiment en attendant la Résurrection. Or, cette thèse (qui connaîtra plus tard des

41 Madelung, « Abū Ya'qūb al-Sijistānī and Metempsychosis ». Pour une analyse détaillée des positions complexes d'al-Sijistānī et d'al-Kirmānī, voir De Smet, « La transmigration des âmes ».

42 al-Kirmānī, *Tanbīh*, pp. 212s.

43 Abū Ya'qūb al-Sijistānī, *al-Maqālīd*, pp. 200–202.

44 La conception de l'âme humaine dans la pensée d'al-Sijistānī a été étudiée par Walker, *Early Philosophical Shīism*, pp. 95–101 ; voir également De Smet, « Was Nāṣir-e Ḥusraw a Great Poet ».

45 al-Kirmānī, *Tanbīh*, pp. 215s. Argument analogue dans al-Kirmānī, *al-Aqwāl al-dhaha-biyya*, pp. 53s.

46 al-Kirmānī, *Tanbīh*, p. 216.

développements remarquables dans l'ismaélisme ṭayyibite) avait déjà été réfutée par al-Sijistānī⁴⁷. En l'incluant parmi le *kufr* des *ghulāt*, al-Kirmānī ne compromet donc nullement son prédécesseur. Néanmoins, au cours de sa réfutation de la transmigration, il évoque l'hypothèse de la métempsycose au sein de la même espèce (admise par al-Sijistānī sous une forme particulière), dont il démontre l'impossibilité par des arguments philosophiques. Il conclut qu'il s'agit d'une thèse futile (*bāṭil*), contraire à la raison, sans toutefois prononcer explicitement le *takfīr* contre elle⁴⁸.

Dans ce cas précis de la transmigration des âmes, on pourrait penser qu'al-Kirmānī s'en prend de façon indirecte à la doctrine druze. En effet, la croyance en la métempsycose est sans doute un des éléments du Druzisme les mieux connus auprès du grand public. Or, curieusement, dans les écrits de Ḥamza b. 'Alī il n'y a que quelques allusions furtives à la métempsycose au sein de l'espèce humaine, alors qu'il réfute longuement la réincarnation dans les animaux, doctrine qu'il attribue, comme al-Kirmānī, aux Nuṣayrīs⁴⁹.

Il en est tout autre de la dernière thèse figurant dans ce réquisitoire contre le *kufr* des *ghulāt*, qu'al-Kirmānī qualifie comme « une de leurs ignominies (*faḍā'ih*) les plus graves » : Muḥammad et 'Alī n'auraient eu ni épouses, ni enfants⁵⁰. En effet, invoquant Coran 112:3 (« Il n'engendre pas ; Il n'est pas engendré »), Ḥamza soutient qu'al-Ḥākim n'a ni père, ni mère, ni frères, ni sœurs, ni épouses, ni enfants. Son corps n'est qu'un simulacre, dépourvu de toute fonction biologique ; l'essence divine d'al-Ḥākim n'engendre pas et n'est

47 al-Sijistānī, *Maqālīd*, pp. 200–204 ; Id., *Kashf al-mahjūb*, pp. 59s. (où cette croyance est attribuée à certains « ignorants »).

48 al-Kirmānī, *Tanbīh*, pp. 216–221. Pour une analyse détaillée des arguments contre la métempsycose dans le *Tanbīh*, voir De Smet, « La transmigration des âmes », pp. 88–91 ; voir également Walker, « The Doctrine of Metempsychosis », pp. 236s. Le problème est d'autant plus délicat que selon la sotériologie ismaélienne, l'âme humaine ne peut s'affranchir de ses liens corporels que par sa faculté rationnelle, qui doit passer de la puissance à l'acte sous l'influence de l'enseignement de l'imam. Or, cette actualisation ne sera achevée qu'avec la révélation intégrale du '*ilm al-bāṭin*' par le Résurrecteur, le « Seigneur du septième cycle ». En attendant son avènement, l'âme ne peut se passer de substrat corporel. Pour éviter la métempsycose, al-Kirmānī identifie ce substrat corporel au *barzakh*, qu'il situe aux confins des mondes sensible et intelligible. Après la mort de son corps, chaque âme reçoit un nouveau corps dans le *barzakh* et n'en sera libérée qu'au moment de la *qiyāma*, qui est une résurrection purement spirituelle.

49 De Smet, *Épîtres*, pp. 66s.

50 al-Kirmānī, *Tanbīh*, p. 223.

pas engendrée⁵¹. En présentant cette croyance des *ghulāt* comme une absurdité teintée de *kufṛ*, al-Kirmānī semble s'attaquer indirectement aux Druzes.

5 La trahison de la fidélité envers l'imam (*walāya*) et la violation du pacte d'allégeance (*'ahd*)

Une dernière forme de *kufṛ* se rapporte au *mu'min* qui renonce à sa foi (*īmān*). Nous avons vu que pour al-Kirmānī, le croyant (*mu'min*)—c'est-à-dire l'initié ismaélien—qui trahit le pacte d'allégeance (*'ahd*), le serment de fidélité envers l'imam et sa *da'wa* auquel il a dû souscrire avant de pouvoir bénéficier de l'enseignement des *du'āt*, devient inéluctablement un *kāfir*⁵². Tout initié qui viole le pacte en altérant de façon délibérée cet enseignement ou qui transgresse les règles de la *taqīyya* en divulguant les secrets de la doctrine et de l'organisation de la *da'wa* à ceux qui en sont indignes⁵³, est automatiquement excommunié, frappé de *takfīr*.

Une fois de plus, al-Kirmānī s'abstient de faire la moindre référence explicite aux schismes qui ont divisé l'ismaélisme ou à des cas précis d'«apostasie» au sein du mouvement. Il aborde la question indirectement en prenant pour cible les autres branches du chiisme.

Les chiites non-ismaéliens qui, à un certain moment, ont quitté la «voie droite» en reconnaissant l'autorité d'un «faux» imam, sont tous dans l'errance (*ḍalāl*), sinon coupables de *kufṛ* pour autant qu'ils aient trahi le devoir de fidélité envers l'imam véritable. Il s'agit des Zaydites, qu'al-Kirmānī n'évoque que brièvement dans le *Tanbīh* puisqu'il a consacré un traité entier à la réfutation de leurs «erreurs»⁵⁴, et des Imamites duodécimains (*al-imāma al-ithnā'ashariyya*).

L'attitude d'al-Kirmānī envers ces derniers, qu'il désigne par le terme *al-qaṭ'iyya*—ceux qui «coupent» ou interrompent la succession des imams—est particulièrement sévère. L'idée de l'occultation (*ghayba*) de l'imam ne trouve aucune grâce à ses yeux. Les Duodécimains ont commis une erreur très grave en se «trompant» d'imam après la mort de Jafar al-Šādiq. Ils ont trahi l'obligation de *walāya* envers son successeur légitime, aggravant encore leur

51 De Smet, *Épîtres*, pp. 40–42, 319, 375.

52 Voir *supra*, p. 87. Sur ce pacte d'allégeance, voir Halm, «The Isma'ili Oath of Allegiance».

53 De Smet, «La pratique de *taqīyya* et *kitmān*».

54 al-Kirmānī, *Tanbīh*, pp. 203–205, se réfère à la *Risāla al-Kāfiyya fī l-radd 'alā l-Hārūnī*. Ce traité est dirigé contre l'imam zaydite du Daylam al-Hārūnī al-Ḥusaynī; on trouvera un résumé de son contenu dans Haji, *A Distinguished Dā'ī*, pp. 58–67.

impiété lorsque, plus tard, ils ont soutenu que l'imamat a été interrompu après leur 12^e imam. Al-Kirmānī est parfaitement clair à ce sujet : croire que le monde puisse, ne fut ce qu'un seul instant, être privé d'un imam issu de la descendance de 'Alī et de Fāṭima, est du *kufr*, car «les *kāfirūn* sont ceux qui n'ont pas de maître» (*wa inna l-kāfirīn lā mawlā lahum*)⁵⁵. Or, cette condamnation pourrait tout aussi bien s'appliquer aux Carmathes qui ont interrompu l'imamat en proclamant la *ghayba* du 7^e imam ismaélien Muḥammad b. Ismā'īl.

6 Conclusion

Une lecture rapide du *Kitāb Tanbīh al-hādī wa-l-mustahdī* pourrait susciter l'impression qu'al-Kirmānī considère tous les musulmans non-ismaéliens comme des *kuffār*⁵⁶. En réalité, sa position est plus complexe. Tout compte fait, la notion de *kufr* tourne autour de trois points principaux, qui se rapportent directement à la doctrine ismaélienne.

(1) La légitimité de l'emploi de la raison (*'aql*) en philosophie, en théologie et en droit. L'ismaélisme étant un système de pensée qui, par des arguments rationnels et des démonstrations logiques, se propose de dégager la rationalité sous-jacente à l'aspect apparent (*ẓāhir*) des phénomènes de la nature, des textes révélés et des lois qui en découlent⁵⁷, il ne peut être question de mettre en doute la validité de la raison pour l'acquisition de la science (*ilm*) nécessaire au salut de l'âme. Toutefois, la raison humaine ne peut fonctionner correctement qu'à condition d'être actualisée et dirigée par l'enseignement de l'imam, qui n'est autre que «l'Intellect incorporé» dont la fonction est identique à celle de l'Intellect agent des *falāsifa* péripatéticiens. Les *falāsifa*, les *mutakallimūn* et les *fuqahā'* qui n'acceptent pas la guidance de l'imam se voient dès lors accusés de faire un emploi «sauvage» de leur raison, sans avoir recours à un maître, ce qui les expose à l'errance et, en certains cas, à l'incroyance. Cela n'empêche que les auteurs ismaéliens, sous l'autorité réelle ou présumée de l'imam, ont intégré dans leurs systèmes de pensée des notions et des doctrines empruntées au *kalām* et surtout à la *falsafa*, au point d'être accusés par leurs adversaires (comme al-Ghazālī) d'adhérer aux idées «impies» des philosophes.

55 al-Kirmānī, *Tanbīh*, pp. 191–193.

56 Ce qu'il fait effectivement en quelques passages empreints d'une rhétorique violente contre tous ceux qui refusent l'autorité des imams ; voir, p. ex., al-Kirmānī, *Tanbīh*, pp. 244s.

57 De Smet, «The Sacredness of Nature».

(2) La lutte contre les *ghulāt* et les mouvements ismaéliens dissidents. En s'attaquant aux Ishāqīs et aux Nuṣayrīs, membres de sectes marginales dont l'influence devait être limitée, al-Kirmānī s'en prend très probablement de façon indirecte aux *ghulāt* ismaéliens, comme les Druzes. La déification de l'imam-calife al-Ḥākim et l'abolition de la loi islamique, prêchée ouvertement au Caire, mettaient en péril le régime fatimide. De surcroît, ces *ghulāt* «exagéraient» des doctrines qui, sous une forme affaiblie, sont indissociables du chisme ismaélien : l'infusion de l'Intellect dans les prophètes et les imams, la nécessité de connaître le sens ésotérique (*bāṭin*) des prescriptions juridiques et l'incapacité des âmes humaines de se détacher d'un substrat corporel aussi longtemps que la science salvatrice ne sera pas révélée en son intégralité par le Résurrecteur (*Qā'im*).

(3) La fidélité envers l'imam et le pacte d'allégeance comme condition nécessaire pour maintenir la cohésion au sein de la communauté. Comme dans le cas des *ghulāt*, al-Kirmānī observe un silence rigoureux au sujet des questions relatives à l'imamat (identité de l'imam, continuation ou interruption de l'imamat) qui n'ont cessé de diviser l'ismaélisme. Il s'en prend en revanche aux Zaydites et surtout aux Duodécimains, dont il qualifie la doctrine sur la *ghayba* de *kufṛ*. Il est difficile de ne pas voir dans ses jugements très sévères concernant l'interruption de l'imamat (la *qaṭ'īyya*) une critique implicite de la thèse carmathe, qui proclamait la *ghayba* de Muḥammad b. Ismā'īl, tout en refusant à reconnaître la légitimité des Fatimides.

Le *Tanbīh al-hādī* se présente ainsi comme un produit typique de polémique religieuse. Tout en occultant les dissidences au sein de sa propre communauté, al-Kirmānī prononce le *takfīr* contre les mouvements les plus proches de l'ismaélisme et les plus susceptibles de lui faire concurrence : les *ghulāt* et les autres branches du chiisme (les Zaydites et les Duodécimains). Toutefois, son *takfīr* reste purement théorique. Al-Kirmānī n'était qu'un simple *dā'ī* censé œuvrer sous l'autorité de son imam, al-Ḥākim, le seul à avoir le droit de faire la distinction entre *kufṛ* et *īmān*. Or, il n'est pas certain que le chapitre condamnant les *ghulāt* aurait pleinement rencontré son approbation⁵⁸.

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⁵⁸ Sur l'attitude ambiguë d'al-Ḥākim envers la propagande druze, voir De Smet, *Épîtres*, pp. 29s.

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SECTION 2

The Classical and Post-Classical Period
(*Fifth/Eleventh–Eleventh/Eighteenth Centuries*)



The Vocabulary of “Unbelief” in Three Biographical Dictionaries and Two Historical Chronicles of the 7th/13th and 8th/14th Centuries

Sonja Brentjes

Discussion about the place and reputation of scholars of the non-religious sciences, among them the mathematical, in Islamicate societies often swings between three extremes. One position claims that these scholars were all Muslims (ignoring those who adhered to other creeds) and were well respected by their co-religionists, since “Islam had no problem with science,” as the Catholic church did. Representatives of this belief can easily be found on the Internet as well as in print publications of differing degrees of reliability and academic standing, including those brought to the market by university presses and other publishers committed to serious academic works. The second position holds that scholars of the non-religious sciences in Islamicate societies did not mix their religious beliefs with their scientific creeds and that they understood how important it was to keep the two apart in order to achieve reliable scientific results. This is a position widespread among historians of science who specialize in Islamicate societies. The speaker most often quoted as evidence for such a view is Abū l-Rayḥān al-Bīrūnī (b. 362/973; d. 440/1048), with his comments on Hindu astronomy.¹ Finally, the third position maintains that scholars of the non-religious sciences in Islamicate societies were mostly under pressure, attacked for their engagement with types of knowledge regarded as either superfluous or dangerous to the pursuit of a good Muslim life. Representatives of this point of view can be found today mostly in the public sphere, among popular writers and academics who are not familiar with pre-modern Islamicate societies.

The narratives in the extant biographical and historical sources, though, speak a less unequivocal language. These sources are full of praise for many scholars of the non-religious sciences, but they also tell stories of how such interests corrupted the morals of some among them or endangered them because of the suspicions, jealousy, or greed of their peers and their superiors. Depending on the religious and political stances of their authors, these

¹ *Alberuni's India*, pp. 263–265.

sources also deliver stories about the inherently negative character of some of these sciences, in particular philosophy. Despite these narrative complexities, rarely were any of the scholars of the non-religious sciences beheaded for their engagement with them. As a rule, it was scholars of the religious disciplines who ran into severe troubles for their religious beliefs and practices. A good number of them lost their lives. Their deaths are often described with a vocabulary of “unbelief” or “heresy.”

When invited to contribute to a contextualized, in-depth study of acts of *takfīr* (accusation of “unbelief”), I thought that studying a number of sources of Middle Eastern Islamic societies during the seventh/thirteenth and eighth/fourteenth centuries would be very helpful for resolving other questions too. I hoped, for instance, that such a study could improve our understanding of the contexts in which the mathematical sciences (geometry, arithmetic, number theory, algebra, timekeeping, planetary theory, calendars, etc.) succeeded in becoming a stable and accepted part of the scholarly world of the *madrassa* and cognate teaching institutes. In addition, I expected to learn how scholars adverse to this process or at the very least not in favor of it positioned themselves in relation to these novel changes. To my utter surprise, the sources I had selected—the biographical works of Ibn al-Qifṭī (d. 646/1248), Ibn Abī Uṣaybi‘a (b. 599/1203; d. 667/1269), Ibn al-‘Ibrī (b. 622/1225; d. 683/1286), Ibn Khallikān (b. 608/1211; d. 681/1282), and Abū l-Fidā’ (b. 672/1273; d. 732/1331)—did not prove very informative. While some stories of *takfīr* appear in their works, most of them concern pre-Islamic cultures and early Islamic history up until the early ‘Abbāsids. By contrast, the five authors tell very few such stories with regard to the dynasties in power during their lifetimes and practically none for scholars of the mathematical sciences. A glance into other historical chronicles showed, however, that accusations of *kufr* or death sentences because of a similar type of accusation, namely *zandaqa* (“concealed belief in something other than some form of mainstream Islam”), were by no means alien to the chosen period. Given these circumstances, the very first question that I wanted to investigate was how to understand the glaring silence of the five authors on the subject of *takfīr* with respect to scholars of the mathematical sciences. I approached the question first by trying to establish a quantitative survey on the use of *takfīr* and other forms of *k-f-r* for the five authors. This posed some methodological difficulties, which are not fully solvable because of the different genres of the five texts. Nonetheless, even this unsophisticated “statistical” check brought new questions to the fore, mostly of a qualitative kind. These questions I turned to next. I realized that semantically the cluster of meanings attached to *k-f-r* and its various grammatical derivatives, while heavily focused on “unbelief,” also included (not surprisingly) semantic

derivations like *kaffāra* ("repentance," "atonement," "expiation") or, when used together with *ni'ma* ("grace, benefit"), ingratitude. But even if the semantic focus was on "unbelief" (*kufr*, *kufrān*), its practice (*kafara*) and its adherents (*kuffār*, *kafara*, *kāfirūna*), the stories told by the five authors leave no doubt that their application did not signify always the same thing or things. There were clearly recognizable differences between their usage in those stories, covering not only religious matters, but issues of social relationship (loyalty towards a patron, upholding of an oath, excluding or ruining competitors for positions of power and wealth, establishing or exerting preeminence in scholarly circles, dissolving a marriage, etc.), standards of proper behavior and culture (poetry, public appearance, critique of rulers) and military conflicts and rebellions (early Islamic conquests, internal revolts, Crusaders, Mongols, Almoravids, etc.). Differences also appeared when *k-f-r* and its derivatives were used in situations more clearly defined as religious—such as in connection with tenets held by philosophers or *ahl al-dhimma*, practices observed by or ascribed to astrologers, and interpretations or evaluations of deeds by early Muslim leaders or members of different denominations within Islam. The tone infused in the descriptions of such acts and their perpetrators seems to differ not only over time and region, but also sociologically. With the label "sociological," I refer to whether individuals or groups are confronted and whether their beliefs and more so their acts are described as challenging or threatening an individual Muslim, a dynasty, the population of a state, or Islam as a belief system.

Beyond this variety of use and function of *k-f-r* in the individual stories told by the five authors, a further qualitative issue requires consideration, although it cannot be fully investigated in this paper. This issue concerns the differences in narration style the authors utilize, including such simple differences as biography writing versus chronicle writing, the main actors of the biographical entries (physicians, scholars, other important men and women), or the time frames of each work. These narrative differences also include the structural format (chronological, thematic, alphabetical), the kind of sources used, and the manner in which they are re-narrated (which parts are taken over and which functions they have in each text, throughout an entire book or in a specific textual unit. Personal beliefs and positions in scholarly, social, local, and regional networks of power and culture need to be considered, as well as individual preferences for delivering, enhancing, or downplaying messages and judgments. Such individual preferences encompass the semantic fields in which *k-f-r* and its derivatives are situated, the type and number of actors, events, and activities described in the stories, and the linkages between earlier and later stories, entries, or time periods made explicit or hidden by each author. Stories of "unbelief" are one element of the overall narrative

constructed by each author. They can be meant to deliver knowledge; establish or reinforce values; solidify or verify beliefs and judgments; or amuse, astonish, stir up gossip, scandalize, or provide other forms of entertainment. But do they also question, doubt, or challenge? Several stories are shared among all or at least some of the five authors. They are, however, not necessarily told in exactly the same manner. Does that mean that the texts the writers read differed or did they manipulate their sources in order to serve different goals? More than those that are shared are the stories that appear only once. This difference is partly a consequence of the different formats and thematic orientations of the five sources. But does this multiplicity of narrated stories also reveal other factors that motivated the authors' choices? Can one understand the meanings of stories of "unbelief" isolated from the larger networks of texts in which they circulated? Do the different stories nonetheless share some overarching beliefs in how to look at *k-f-r* that might help in understanding my original question about the glaring silence of all five authors concerning cases of *takfir* against scholars of the mathematical sciences?

These are some of the qualitative questions that occurred to me while reading the various stories that speak through *k-f-r* and its derivatives. I will discuss them here without trying to achieve anything close to comprehensiveness and always with an eye to what they tell us (or do not) about the status, reputation, and degrees of freedom of scholars of the mathematical sciences. My central thesis regarding the silence on stories of "unbelief" in the context of the mathematical sciences is that this silence is one of the intended results of the manner in which the few stories of "unbelief" were constructed with regard to the philosophical sciences in general. My main thesis concerning the whole palette of stories of "unbelief" told by the five authors comprises two components. One claim is that *kufir* covered a much broader spectrum of meaning than religiously defined "unbelief." It often served as a surrogate for political, social, or cultural conflicts between individuals or groups. The other claim is that the language of *kufir* served as the primary marker of group identity. This usage did not entail necessarily the specification of concrete religious divergences. In this function the language of "unbelief" was applied most often in times of war. But it can occasionally also be found in stories about the long-ago past, before monotheistic religions had been "sent to man." Referencing a group from those times in such terms constitutes in my view an unfair judgment. It remains unclear whether Muslim writers genuinely did not see or simply did not wish to see the inappropriateness of applying *takfir* to Aristotle, Plato, and other ancient philosophers.

I will begin with the very few stories, where "unbelief" is invoked with regard to any or all of the mathematical sciences. Then I will survey quantitatively

and qualitatively the usage of *takfīr* and other forms of *k-f-r* in the five sources. Finally, I will discuss some features of the narrative styles of the five authors, trying to relate them in some way to the stories of “unbelief” they tell. The conclusions I will draw from this analysis will be summarized afterwards, although they will remain tentative due to the huge methodological challenge faced by any study of local practices of storytelling and their meanings.

1 Matters of “unbelief” Regarding the Mathematical Sciences

The almost total lack of stories of “unbelief” with respect to the mathematical sciences and their practitioners is surprising, given the well-known and widespread suspicion among numerous religious scholars across Islamicate societies about the alien character of these and other non-religious sciences. While Abū Ḥāmid al-Ghazālī (b. 450/1058; d. 505/1111) exonerates these sciences from the taint of direct “unbelief,” he nonetheless portrays them as roads to philosophy and consequently “unbelief.”² Geometry was said to be dangerous to a Muslim because of its unassailable proofs. Astronomy and astrology were attacked for their unreliability. Specific beliefs were considered heretical, such as belief in planetary souls and their function as intermediaries of God’s will, and the potential involvement of polytheism in adoration of the planets. Enemies of music, singing, dancing, and merrymaking could also cast their malevolent eye on music theory. Even arithmetic, while appreciated as a tool of law, when engaged with too much could ruin a believer’s adherence to the right path and involve him or her too much with the material world to the detriment of preparation for the afterlife. These various misgivings about the mathematical sciences spanned a broad register for potential conflicts and could open doors to accusations of “unbelief.” Indeed, there are a few stories in the five texts that confirm the existence of individual conflicts, which involved if not outright accusations, then at least suspicions of “unbelief.”

The most revealing telling of a story of “unbelief” regarding the mathematical sciences takes place in reports about the burning of books in the late-sixth/twelfth century in Baghdad. Three of the five authors include fragmentary accounts of the well-known public event and its background in their books (Ibn al-Qifṭī, Ibn al-ʿIbrī, Abū l-Fidāʾ), while a fourth (Ibn Abī Uṣaybiʿa) presents a short biography of Ibn al-Māristāniyya, who presided over the event, without one word about the affair itself. The fifth author (Ibn Khallikān) ignores the entire series of happenings as well as the actors involved. Ibn al-Qifṭī and Ibn

2 al-Ghazālī, *al-Munqidh*, pp. 9–10; Algazel, *Tahafot*, pp. 14–15, 20.

al-ʿIbrī report in identical words, on the authority of the Jewish physician Yūsuf b. Yaḥyā from Ceuta, that Ibn al-Māristāniyya had burned books in Baghdad, among them one of Ibn al-Haytham's works on *ʿilm al-hayʾa*, "calling out loudly by pointing to a circle that represented the universe: this is a disaster, a fatal calamity, a blind misfortune! Then he tore it apart and threw it into the fire."³ Yūsuf comments: "this showed his ignorance and fanaticism, since there is no 'unbelief' in *al-hayʾa*, which is rather a road to belief (*īmān*) and to knowledge of the power of God Almighty and Glorious in regard to what He planned and ordered well."⁴

Abū l-Fidāʾ reports that in the year 611/1214 ʿAbd al-Salām b. ʿAbd al-Wahhāb b. ʿAbd al-Qādir al-Jīlī "died in Baghdad. [He had governed] a number of administrative units (*wilāyāt*). He was suspected of belonging to the *madhhab* of the philosophers. He was imprisoned before his death. His books were [presented to the public]. One found in them matters of 'unbelief,' like a prayer to Saturn, and others regarding metaphysics (*bi-l-ilāhiyya*). They were burned. Then his father interceded for him. He was released and returned to his responsibilities (*al-aʿmāl*)."⁵

Ibn Abī Uṣaybiʿa includes the short biographical sketch of Ibn al-Māristāniyya in his entry for Abū l-Ḥusayn Šāʿd b. Hibat Allāh.⁶ He praises him on the authority of the secretary Shams al-Dīn Abū ʿAbd Allāh Muḥammad b. al-Ḥasan al-Baghdādī as skilled in medical theory and practice. At some unspecified time, Ibn al-Māristāniyya became superintendent of the endowment of the ʿAḡudī Hospital in Baghdad. Later this office was taken away from him, and he was imprisoned for two years. Equally undated is the information that he studied successfully *ḥadīth* and *adab*, and wrote an unfinished history of Baghdad (a continuation of Ibn Khaṭīb's *Taʾrīkh Baghdād*). Late in his life, the ʿAbbāsīd Great Dīwān appointed him ambassador to (Queen Tamar in) Tiflis. Ibn al-Māristāniyya died on his way back from there.⁷

Richter-Bernburg's paper on Ibn al-Māristāniyya shows how much of the information on the events was left out by these four authors. Ibn Abī Uṣaybiʿa, for instance, omits biographical information such as the *madhhab* to which Ibn al-Māristāniyya belonged (Ḥanbalī), the men in the ʿAbbāsīd administration with whom he was closely connected (two Ḥanbalī viziers and majordomos, Yaḥyā b. Hubayra and ʿUbayd Allāh b. Yūnus), Ibn al-Māristāniyya's family

3 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 229.

4 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 229; Ibn al-ʿIbrī, *Taʾrīkh*, vol. 1, p. 147.

5 Abū l-Fidāʾ, *Mukhtaṣar*, vol. 2, p. 385.

6 Ibn Abī Uṣaybiʿa, *ʿUyūn*, p. 270.

7 Ibn Abī Uṣaybiʿa, *ʿUyūn*, p. 270.

background as a son of a couple who without formal education worked at one of the hospitals in Baghdad, and other fields of his education (logic, philosophy, the mathematical sciences). Ibn Abī Uṣaybi'a also ignores Ibn al-Māristāniyya's repeated dishonesty (his invention of a dignified genealogy for himself, going back to Abū Bakr; falsifying *samā'āt* in *ḥadīth*), and last but not least, the story about the burning of books.⁸ Much of this information was easily available to Ibn Abī Uṣaybi'a as well as to the other four authors. Richter-Bernburg's bibliography indicates that the book burning and its victim were discussed by several religious scholars of the time, among them Ibn al-Dubaythī (b. 558/1163; d. 637/1239; Baghdad), Ibn al-Najjār (b. 578/1183; d. 643/1245; Baghdad), and Sibṭ Ibn al-Jawzī (b. 582/1186; d. 654/1257; Damascus).⁹ In addition, Ibn Abī Uṣaybi'a certainly knew Yūsuf b. Yaḥyā al-Sabtī's report on the book burning, because he had read Ibn al-Qifṭī's biographical dictionary.¹⁰

Ibn al-Qifṭī and Ibn al-'Ibrī, on the other hand, could have listed other books destroyed during this event, such as Ibn Sīnā's *Kitāb al-Shifā'* and his *Kitāb al-Najāt*, or the *Rasā'il Ikhwān al-Ṣafā'*. They could have specified that Ibn al-Māristāniyya did not burn them by his own hand, but had an assistant to whom he gave each book after ridiculing or condemning it. Abū l-Fidā' could have elaborated on the matters of "unbelief" with regard to *al-'ilm al-ilāhī*.¹¹ He could have clarified, on the authority of Sibṭ Ibn al-Jawzī, that the piece of paper with the prayer to Saturn, allegedly written by 'Abd al-Salām, was considered a falsification.¹² He could have added a story told by Ibn al-Jawzī, according to which many years after the book burning, when Ibn al-Māristāniyya prepared for his march to Tiflis, 'Abd al-Salām encountered him on the street and asked him with biting scorn: "Who has offered incense to Saturn this time, you or me?" Ibn al-Māristāniyya replied without remorse: "Me."¹³

All four authors could have quoted the previously mentioned religious scholars as well as others, some of whom were contemporaries, who lived in Baghdad, Aleppo, or Damascus, and thus could have been consulted personally. Any one of them could have given his own view on the events. Some of them might have even clarified, as they did in writing, that the book burning was part and parcel of an excessive act of revenge. It had been staged within the framework of a juridical tribunal against 'Abd al-Salām and his larger

8 Richter-Bernburg, "Ibn al-Māristāniyya: The Career of a Ḥanbalite Intellectual."

9 Richter-Bernburg, "Ibn al-Māristāniyya: The Career of a Ḥanbalite Intellectual," pp. 280–282.

10 See, e.g., Ibn Abī Uṣaybi'a, *Uyūn*, pp. 269, 273.

11 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 385.

12 Richter-Bernburg, "Ibn al-Māristāniyya: The Career of a Ḥanbalite Intellectual," p. 277.

13 Richter-Bernburg, "Ibn al-Māristāniyya: The Career of a Ḥanbalite Intellectual," p. 277.

family for some slight against the majordomo of the ‘Abbāsid court, ‘Ubayd Allāh b. Yūnus, when both men had been children or in their teens.¹⁴

This material available for constructing stories rich in detail and controversial judgments, contrasted with the infrequency with which the five authors exploited it, is strong support for my impression that they obfuscated stories of “unbelief” with regard to the mathematical sciences, while favoring stories of “unbelief” when narrating pre-Islamic and early-Islamic times. This silence is neither innocent nor the result of a lack of material. It was purposefully constructed in particular ways by which the five authors furthered their various intentions.

Ibn al-Qifṭī at least twice makes the case that the mathematical sciences, including those related to the heavens, are not carriers of “unbelief.”¹⁵ Ibn Abī Uṣaybi’a abstains at least twice from speaking of conflicts that involved powerful men of the Ḥanbalī persuasion.¹⁶ Ibn al-‘Ibrī is generally less outspoken when it comes to issues of “unbelief” among Muslims. Ibn Khallikān seems to focus on issues of war and politics when speaking about “unbelievers” or matters of “unbelief” in his own time and the decades immediately preceding it. He tells only one story of “unbelief” where the focus is on the mathematical sciences as the root of such deviation from the right path.¹⁷ Abū l-Fidā’ chooses to present many stories of “unbelief” outside the realm of Islamicate societies, which in a sense corresponds nicely to his generalized division of the contemporary world into *dār al-Islām* and *dār al-kufr*.¹⁸

Two sets of stories related to the mathematical sciences and involving “unbelief” concern the ancestor of one of the later dominant Sunnī schools of law, Abū ‘Abd Allāh Muḥammad b. Idrīs al-Shāfi‘ī (b. 150/767; d. 204/820), and a philosopher in Almoravid al-Andalus, Abū Bakr Muḥammad b. Yaḥyā b. al-Ṣā’igh (b. 488/1095; d. 533/1138), known as Ibn Bājja. Al-Shāfi‘ī is described as having practiced astrology successfully but abandoning it after what appears to have been a deep personal disappointment. Abū l-Fidā’ quotes the jurist’s grandson with the following words:

14 Richter-Bernburg, “Ibn al-Māristāniya: The Career of a Ḥanbalite Intellectual,” pp. 272–274.

15 Ibn al-Qifṭī, *Ta’rīkh al-ḥukamā’*, pp. 52, 229.

16 The second case is the house arrest of Sayf al-Dīn al-Āmidī ordered by al-Malik al-Ashraf, who, according to Pouzet, had strong Ḥanbalī leanings. In Ibn Abī Uṣaybi’a this house arrest and the surrounding rumors and conflicts simply do not appear, as is the case with the book burning in Ibn al-Māristāniya’s short biography. Pouzet, *Damas au viii^e/xiii^es*, pp. 36–39, 203–205.

17 Ibn Khallikān, *Wafāyāt al-a’yān*, vol. 4, pp. 429–431.

18 Abū l-Fidā’, *Mukhtaṣar*, vol. 2, p. 88.

My father transmitted to us saying: "Al-Shāfi'ī used to observe the stars. He reported and examined only things that were extraordinary. One day he sat down, [while] his wife was in labor, reckoning, and said: 'She will give birth to a one-eyed girl with a black mole (in her face) who will die until (such a date).' And this is what happened. After this [event] he [decided] not to look into that [anymore]. He buried the books on the stars that he owned."¹⁹

Nonetheless, al-Shāfi'ī did not become a complete enemy of this discipline. Ibn Khallikān rather emphasizes that he held the same opinion as the Murji'ī Bishr al-Marīsī (d. 218 or 219/833 or 834): "The adoration of the Sun and the Moon are not 'unbelief', but they are an indicator of 'unbelief'."²⁰

As for Ibn Bājja, only Ibn Khallikān reports that he was accused of "unbelief." After providing his full name and the indication that he was a philosopher and a famous poet, Ibn Khallikān informs his readers that Abū Naṣr al-Faṭḥ b. Muḥammad b. 'Ubayd b. Khāqān al-Qaysī (d. 529/1134 or 535/1140), the author of *Qalā'id al-ʿiqyān* ("The Necklaces of Pure Gold"), had mentioned him in his book, relating to him *ta'ṭīl* ("negation of God's attributes"), the doctrine of the *ḥukamā'* and the *falāsifa* (of the physicians/wise men and the philosophers), and *inḥilāl al-ʿaqida* ("the dissolution of the creed"). Then he introduces what proves to be an almost literal quote by saying:

He said regarding him in his book, which he called *Maṭmaḥ al-anfus* ("The ambition of the souls"), things like: "He studied the book of the mathematical sciences (*kitāb al-ta'ālīm*), thought about the bodies of the orbs and about the boundaries of the geographical zones (*iqlīm*). He rejected the Book of God, the Wise. He cast it behind his back, turning proudly away from it. He wished to destroy what the destroyer could not arrive at, neither here nor there. He confined himself to astronomy (*hay'a*). He denied that we have a return to God. He pronounced verdicts from the planets through (their) motion. He committed crimes against God, the Subtle, the Knowing. He was audacious when hearing prohibition and threat. He derided His Sublime Word: 'Indeed, He, who has assigned the Qur'ān to you, will surely bring you back to the place of return' [Qur'ān 28:85]. He believed that time is rotating (*dawr*), that man is (like) plants or blossoms, whose [fate of] death is his completion and whose forcible seizure is his fruition. Faith was erased from his heart so

19 Abū l-Fidā', *Mukhtaṣar*, vol. 1, pp. 375f.

20 Ibn Khallikān, *Waṣfayāt al-a'yān*, vol. 1, p. 277.

that he had no vestiges of it in it. His tongue forgot the Compassionate so that no name for Him departed from it.”²¹

Ibn Khallikān closed this quote with a comment of his own, disavowing it:

Ibn Khāqān certainly exaggerates in his (presentation) and crossed the line by describing him with these vicious beliefs. But God knows best what the true nature of his position is.²²

Ibn al-Qiftī, who also dedicates an entry to this Andalusian philosopher, has only good things to say about him and does not waste a single word on anything suspicious about his beliefs.²³ The reason for this silence is made clear by Ibn al-Qiftī’s comment that Ibn Khāqān had asked Ibn Bājja for some of his poems to be included in his *Qalāʾid al-ʿiqyān*, but was deceived by the philosopher. This embittered the man, and he wrote a vile entry about him in his book.²⁴ A rhymed story of “unbelief” as a thank-you-very-much for sending the wrong poem or none at all is certainly reason enough to abstain from repeating the hilariously overblown *takfīr*. The problem with this explanation is that the Būlāq edition of the *Qalāʾid al-ʿiqyān* includes poems in Ibn Khāqān’s extraordinarily hostile biography of Ibn Bājja.

2 Takfīr in the Five Sources

Ibn Abī Uṣaybiʿa and Ibn Khallikān do not use the term *takfīr* even once. Ibn al-Qiftī, Ibn al-ʿIbrī, and Abū l-Fidāʾ employ it only sparingly.²⁵ Even other forms, such as the verb *kafara* and its verbal nouns *kufr*, *kufrān*, and *kāfir* (with various plural forms), as well as the second form of the verb, i.e., *kaffara*, with the meaning of accusing someone of *kufr*, appear relatively seldom. When used, the clear preference is to apply such terms to pre- and early-Islamic religions, doctrines, schools, authors, and activists of religious movements.

21 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 4, pp. 429–430. I did not use W.M. de Slane’s translation, because of its interpretive character, in particular at the beginning of the quote. *Ibn Khallikan’s Biographical Dictionary*, vol. 3, p. 131.

22 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 4, p. 430.

23 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 406.

24 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 406.

25 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 51; Ibn al-ʿIbrī, *Taʾrīkh*, pp. 23, 49, 50; Abū l-Fidāʾ, *Mukhtaṣar*, vol. 1, p. 477; vol. 2, p. 254.

Remarkably often these notions appear in poems or direct speech and thus are often a literary or a rhetorical device employed by a poet or historian. In the rare cases of this vocabulary of "unbelief" being applied to contemporary contexts, the cases referred to are presented mostly as settled issues, that is, that there was some kind of consensus about the matter being rightfully called "unbelief." The terms appear only rarely in the context of contemporary matters of accusation, of something in dispute.

Ibn al-Qifṭī uses the term *takfīr* precisely once. In his entry on Aristotle he presents a long text with a close structural affinity to al-Ghazālī's description and condemnation of philosophy in his *al-Munqidh min al-ḍalāl* ("The Deliverer from Error"). In the wording as well as with regard to its completeness, this text differs, however, quite substantially from al-Ghazālī's original. The modified Ghazālian text begins with the description of three schools of ancient Greek philosophers (believers in eternity, naturalists, students of metaphysics) and ends with the first lines of al-Ghazālī's discussion of ethics. It is in this altered Ghazālian text that the term *takfīr* appears, together with a good number of the occurrences of the verb *kafara* and the verbal noun *kufīr* (six times) in Ibn al-Qifṭī's overall usage of these terms.²⁶ Ibn al-Qifṭī reminds his readers that Aristotle's philosophy as well as the doctrines of al-Fārābī and Ibn Sīnā can be classified into three parts: one part that necessitates *takfīr*; one part that necessitates *tabdīʿ* ("accusation of innovation"); and one part that does not require rejection (*inkār*). Following Ghazālian lines, Ibn al-Qifṭī writes that this classification into three parts applies to six kinds of philosophy, namely, mathematics, logic, natural philosophy, metaphysics (*ilāhī*), politics (city), economics (household), and ethics. His evaluation of three of the mathematical sciences (arithmetic, geometry, and configuration of the world/universe) agrees almost literally with the corresponding passage in *al-Munqidh*. It states unambiguously that there is nothing in these sciences that is linked to the religious disciplines, neither as refutation nor as affirmation, but that they are demonstrative matters, and, hence, once understood and mastered, there is no reason to repudiate them.

While such a statement cannot explain why there are no cases recorded in which someone accuses a scholar or amateur of the mathematical sciences of "unbelief," it does, though, suggest that in Ayyūbid Aleppo these fields of knowledge could be described as free of any connection with matters of "unbelief" and hence there would be no reason for repudiating them. Given that the ultimate source of this declaration was al-Ghazālī's *al-Munqidh*, the readers of this passage would have recognized it as not merely Ibn al-Qifṭī's personal

26 Ibn al-Qifṭī, *Ta'rikh al-ḥukamā'*, pp. 50–53.

opinion. We can thus assume that this view was shared by a larger group of ‘ulamā’ in the Ayyūbid realm. Given the prominence of different factions of the ‘ulamā’, including Ayyūbid courtiers with strong philosophical interests, it is not unlikely that members of the Ayyūbid family and their *umarā’* also acknowledged that at least the three specified mathematical sciences were free of elements that necessitated and justified accusations of “unbelief” and innovation. Hence, the silence on cases of *takfīr* against practitioners of such fields of knowledge might signal an unwillingness to take such accusations seriously, as matters to be resolved in public space. In Section 3 I will return to Ibn al-Qifṭī’s modified Ghāzalian extract and discuss some of its alterations as expressions of Ibn al-Qifṭī’s style of narration, his own choices for presenting matters of “unbelief” to his readership in Aleppo (and elsewhere).

Beyond this modified extract from *al-Munqidh*, Ibn al-Qifṭī employs *kafara/kufr/kāfir* (plus plural forms) another nine times in eight biographical entries, with the meaning of “unbelief” and once in connection with *al-ni’ma*, “ingratitude.” The majority of these cases (eight) relate to the period up to the fifth/eleventh century. In one of them, Ibn al-Qifṭī presents the caliph al-Ma’mūn’s usage of *kufr* as an act intended to humiliate the Byzantine emperor.²⁷ A second case refers to Muḥammad’s order to one of his Companions to consult al-Ḥārith b. Kalada about a disease that had befallen him, adding that it was lawful to consult *ahl al-kufr* in matters of medicine, when the person consulted was from the same people (as the person consulting).²⁸ In matters of the body, the statement suggests, shared tribal affiliation matters more than adherence to the same (correct) belief. Ibn al-Qifṭī did not present this story, however, to teach whom a sick person was allowed to approach for help, but as evidence for the claim that al-Ḥārith b. Kalada’s status as a Muslim was not sound. It can thus be seen as an indirect act of *takfīr* by Ibn al-Qifṭī’s source, that is, Hishām al-Kalbī (b. 120/737; d. 204/819). It was an event, though, that had happened long before Ibn al-Qifṭī compiled his collection of biographies. Its function is thus to reiterate elements of the general value system of Muslim readers, not to record recent events and offer clues for their interpretation.

A third case is connected with a physician who lived some two centuries before the author, namely Ibn Buṭlān (d. after 455/1063). It appears in a summary of Ibn Buṭlān’s *Da’wat al-aṭibbā’* (“The Banquet of the Physicians”), written in Constantinople, well after his unsuccessful bid for Ibn Riḍwān’s (d. 460/1067–68) patronage in Cairo, but reflecting on this very sharp controversy between the two men. According to Conrad, this controversy should

27 Ibn al-Qifṭī, *Ta’rikh al-ḥukamā’*, p. 29.

28 Ibn al-Qifṭī, *Ta’rikh al-ḥukamā’*, p. 162.

not be read primarily as a medico-philosophical conflict, but as a contest for social recognition, with a young, newly arrived student of medicine seeking the approval of his peers—and the patronage of one in particular—and the hugely divergent means the two disputants had available.

[T]he abuse, accusations and slander which comprise the bulk of the literary product of the controversy are very much to the point: in what amounted to a conflict over social and professional status, to fail to hold one's own against such attacks—whether real or perceived—was as much as to lose the contest.²⁹

Acts of *takfīr* could and apparently did often serve such goals, in particular within the vast domain of religious knowledge, which lent itself most easily to the use of this specific tool. The use of forms of *takfīr* in the controversy between Ibn Buṭlān and Ibn Riḍwān has not drawn the attention of Conrad, who instead focuses on accusations of intellectual inferiority, shallow learning, age or status, and the power differential between the two men. In the part of the controversy recorded by Ibn al-Qiftī, the claim of *kufṛ* relates to the understanding of place. It is introduced as a commentary on Aristotle's *Physics*. The discussion begins with a definition ascribed to him: "It is the boundary of the encompassing concave body touching the boundary of the encompassed convex body."³⁰ Although this is not Aristotle's definition, the issue from which Arabic version of the *Physics* (translation, paraphrase, commentary) it is taken is of no immediate relevance here. The subsequent discussion of the perceived weakness of this definition is fascinating, but also of no immediate relevance here. The use of *kufṛ* does not apply directly to the various layers of mistakes the author recognizes in this definition, errors that he ascribes directly to Aristotle and summarizes as the necessity of the existence of locomotion outside of location. The ascription of *kufṛ* to Aristotle does not refer to these errors, but to the Greek's lack of trusting in God's support. It is thus rhetorical and even ritualistic. Accusing Aristotle of not having adhered to Muslim values and forms of speech before the Prophet brought the message cannot have been Ibn Buṭlān's or Ibn al-Qiftī's intention, although we find the same kind of judgment in the latter's paraphrase of al-Ghazālī's classification of the types of "unbelief" found among ancient Greek philosophers. The use of this vocabulary for the pre-Islamic past and for non-monotheistic cultures raises the question of why Muslim scholars believed that accusing ancient

29 Conrad, "Scholarship and Social Context," p. 95.

30 Ibn al-Qiftī, *Ta'rikh al-ḥukamā'*, p. 307.

Greek philosophers of “unbelief” (as well as *zandaqa*) made sense. The use of a formula such as “trusting in God’s support” is but one element of this (unquestioning) application of beliefs held by medieval Christian and Muslim scholars to scholars outside their own religious frameworks.

Conrad introduces into his discussion of the controversy between Ibn Buṭlān and Ibn Riḍwān the two notions of affirmation and confirmation of scholarly authority. Affirmation is a newcomer’s effort to create a space of his own in a pre-existing scholarly community by appealing to this community to acknowledge his credentials and competence. Confirmation is the acknowledgement of circulating texts (in a broad sense) as obligatory, belonging to a set of items to be taken seriously (to be read, studied, commented upon, abridged, extracted, etc.) and thus providing teachers and students alike with necessary material for education.³¹ Ibn al-Qifṭī’s summary of *Daʿwat al-aṭibbāʾ* provides such an act of confirmation for this work and reconfirms Aristotle’s *Physics*, despite its shortcomings, as a canonical work for discussion and study. The closing statement to the discussion of Aristotle’s definition of place does not take that status away. It is too limited in scope and relevance to achieve such a grandiose feat. It may have been, however, one element in an effort to undermine the Stagirite’s reputation as a natural philosopher, as someone capable of providing precise, reliable knowledge about fundamental concepts of natural philosophy.

A fourth case of Ibn al-Qifṭī’s use of *kufṛ* appears in Maimonides’ biography. It describes the two other Abrahamic religions, in contrast to Islam, in the context of the persecution of Jews and Christians in al-Andalus and the Maghrib under the first Almohad caliph, ‘Abd al-Muʾmin b. ‘Alī (r. 541/1146–559/1163). Part of the story is Maimonides’ forced adoption of Islam.³² By contrast to the other usages by Ibn al-Qifṭī, here the identification of something as *kufṛ* is not by an individual directed towards a specific doctrine or person, but is a political act of a newly established leadership and ideology against entire groups of people.

The remaining five cases appear in the biographical entries for the secretary of the Būyid court, Ibrāhīm b. Hilāl al-Ṣābīʾ (b. 313/925; d. 384/994), the Ikhwān al-Ṣafāʾ (4th/10th century), the druggist and later court physician Abū Quraysh (2nd/8th–9th century), and the mystic Dhū l-Nūn al-Miṣrī (b. 180/796; d. 245/859). In the case of Ibrāhīm b. Hilāl al-Ṣābīʾ, the reference to *kufṛ* appears as the last bit of the biographical entry, in reply to the opening line of an elegy dedicated to the scholar on his death by the seventh Shīʿī Imām, al-Sharīf

31 Conrad, “Scholarship and Social Context,” pp. 97f.

32 Ibn al-Qifṭī, *Taʾrīkh al-ḥukamāʾ*, pp. 317f.

al-Raḍī Abū l-Ḥasan al-Mūsawī (d. 406/1016): “Do you know whom they carried on the wooden slates? Did you see how the light of the assembly went out?”³³ His brother al-Murtaḍā (d. 4th/10th century) was galled by this praise and wrote a nasty reply: “Yes, we know that they carried a dog, an ‘unbeliever,’ on the wooden slates to rush him into the fire of hell.”³⁴

Ibn al-ʿIbrī, in his *Taʾriḫ Mukhtaṣar al-duwal*, uses the term *takfīr* three times, twice with respect to the *Murjiʿa* and once to state that there was no need for *takfīr* and *taḍlīl* (“accusation of deception”) in public debates (*munāzarāt*) between the various Sunnī law schools.³⁵ The verb *kafara* appears exclusively in the context of early Islamic history (eight times). Only twice do two verbal nouns derived from *kafara* appear in Ibn al-ʿIbrī’s text, in reports that relate to events shortly before and during his lifetime. The nomen agentis *kafara* (“unbelievers”) is part of a threatening letter, which Hülāgü Khan (r. 654/1256–663/1265) sent to the last Ayyūbid ruler of Syria, al-Malik al-Nāṣir Yūsuf (r. 647/1250–658/1260), in Damascus, informing him that the Mongol army meant to attack Syria. In this letter, written in strongly Islamic terms, the ʿIlkhān states: “It has been confirmed amongst you that we are ‘unbelievers’. And amongst us it has been confirmed that you are adulterers/shameless liars (*fajara*).”³⁶ A second reference to the infidels in this very same letter calls on al-Nāṣir Yūsuf to choose the ways of righteousness before the “infidels”—that is, the Mongols—kindle their fire.³⁷ Obviously this is meant as a threat and a taunt at the same time, since Hülāgü uses here the derogatory term “infidel” for himself and his troops. As for *kufīr*, Ibn al-ʿIbrī repeats verbatim the story told by Ibn al-Qifṭī of Ibn al-Māristāniyya’s burning of an astronomical work by Ibn al-Haytham in Baghdad. Both authors state that this act showed the physician’s ignorance and bigotry since there is no “unbelief” in astronomy, which rather is a way to faith and the knowledge of God’s power.³⁸

In Ibn Abī Uṣaybiʿa’s biographical dictionary of physicians, the verb *kafara* and the verbal nouns *kufīr* and *kāfir* (plus plural forms) appear nineteen times in eighteen biographical entries, beginning with Pythagoras, Socrates, Aristotle, and Galen, and ending with contemporaries of Ibn Abī Uṣaybiʿa. All except two usages of *kafara*/*kufīr*/*kāfir* in the latter period are rhetorical in character, literary products, not descriptions of an act of challenging another

33 Ibn al-Qifṭī, *Taʾriḫ al-ḥukamāʾ*, p. 76.

34 Ibn al-Qifṭī, *Taʾriḫ al-ḥukamāʾ*, p. 76.

35 Ibn al-ʿIbrī, *Taʾriḫ*, pp. 49–50.

36 Ibn al-ʿIbrī, *Taʾriḫ*, p. 117.

37 Ibn al-ʿIbrī, *Taʾriḫ*, p. 117.

38 Ibn al-ʿIbrī, *Taʾriḫ*, p. 174.

person for his beliefs. These literary products encompass a rhyming jest by the oculist al-Sayyid Burhān al-Dīn Abū l-Faḍl Sulaymān (second half 6th/12th century), a series of *ḥadīths* transmitted by the physician Sadīd al-Dīn Abū l-Thunā' Maḥmūd b. 'Umar al-Shaybānī, known as Ibn Raqīqa (d. after Rabī' I 634/November 1236), and one of the sayings of Ibn Abī Uṣaybi'a's uncle Rashīd al-Dīn 'Alī b. Khalīfa (d. 17 Sha'bān 616/28 October 1219).³⁹ The only exception in this group was indeed an act of *takfīr*, namely the declaration by Aleppo's 'ulamā' of Shihāb al-Dīn al-Suhrawardī's (executed in 587/1191) alleged "unbelief." It is not, however, cited as evidence of an honest conviction on the part of the accusers that Suhrawardī's creed, religious practice, or his teachings were indeed classifiable by any solid criterion as reproachable or worse. The accusation is instead characterized as an abuse of the religious weight of *kufṛ* motivated by other emotions and desires. The lines that precede Ibn Abī Uṣaybi'a's story strongly imply such a reading, since they describe the action of Aleppo's 'ulamā' as the result of hostility toward the newcomer and their jealousy about his good and growing standing with Aleppo's Ayyūbid ruler, al-Zāhir Ghāzī (r. 581/1186–613/1216).⁴⁰ The second exception, in contrast, is not a description of *takfīr*, but an expression of admiration for the Ayyūbid ruler Ṣalāḥ al-Dīn. In his biographical entry for 'Abd al-Laṭīf al-Baghdādī (b. 557/1162; d. 628/1231), Ibn Abī Uṣaybi'a quotes the latter's autobiographical essay in which he states: "I have never seen a ruler whose death so saddened the people. This was because he was loved by pious and profligate alike, Muslim and non-Muslim."⁴¹ What is translated here as "non-Muslim" is in the Arabic text *al-kāfir* ("unbeliever").⁴²

Ibn Khallikān does not once use the term *takfīr*, but the terms *kafara*, *kufṛ*, *kufṛān*, *kāfir*, and its plural forms *kuffār* or *kafara* appear fifty times in altogether fifty-two of his 855 biographical entries.⁴³ Most often these entries concern men outside the philosophical sciences and medicine. The distribution among these other men provides a fascinating survey of the overall cultural meaning of this vocabulary. Men of political and military power, that is, rulers, governors, viziers, and military leaders, occupy first place, with twenty-two instances. Second place goes to scholars of the religious sciences, with fifteen entries. Poets come in third, with ten cases. The remaining six entries, where *kufṛ* and other forms are used, are dedicated to three Companions of Muḥammad, two Ṣūfis, and one historian. The concentration of the vocabulary

39 Ibn Abī Uṣaybi'a, *Uyūn*, pp. 314, 434, 464, 485.

40 Ibn Abī Uṣaybi'a, *Uyūn*, p. 421.

41 Reynolds, *Interpreting the Self*, p. 163.

42 Ibn Abī Uṣaybi'a, *Uyūn*, p. 452.

43 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 6, p. 127.

of "unbelief" in thirty-six biographical entries on rulers, governors, viziers, military leaders, and poets, against twenty-one entries for men defined primarily through their religious activities highlights the importance of the public space, whether political and military or literary, for the success of this language. If it had not been supported and reinforced by acts of public punishment by the sword and the pen, it could not have become the prevalent and in certain conditions the only language of identifying enemies. The richer differentiation in early Islamic parlance among "unbelievers," polytheists, hypocrites, soothsayers, poets, and other opponents of Muḥammad has by and large completely disappeared in Ibn Khallikān's mode of speaking. It was replaced by a general condemnation of anyone who was not a Muslim as an "unbeliever" and an apostate or godless person, even if he did not live in an Islamicate society and never had been exposed to God's message.

In the biographical entry for the Ayyūbid ruler Ṣalāḥ al-Dīn, the Ismāʿīlīs as well as the Crusaders, but also the local Christians, are labeled "unbelievers." The outcome of the battle of Ḥaṭṭīn, for instance, is praised with the words "nothing remained except triumph, and evil befell him who disbelieved."⁴⁴ The battle as well as the entire conflict is set up in religious terms, pitting Muslims against "unbelievers."⁴⁵ This manner of conceptualizing and phrasing war as a fight between Muslims and "unbelievers," independent of the types on both sides, is also reflected in titles of rulers. Artuqids and Mamlūks, to name only two dynasties, styled themselves as defenders of Muslims and destroyers of "unbelievers," whether they actually fought a non-Muslim enemy or not.

Ibn Khallikān's stories of "unbelief" relating to individuals show moments of hilarity but at the same time the dangers of living under the Umayyads and early ʿAbbāsids, and how meanspirited, farsighted, or cautious religious scholars could be when speaking of "unbelief." Khālīd b. ʿAbd Allāh al-Qasrī (d. 126/743), governor of Iraq under the Umayyad caliph Hishām b. ʿAbd al-Malik (r. 72/691–126/743), was "suspected for his religion," Ibn Khallikān writes with noble reservation. According to a footnote by the editor, Abū l-Faraj al-Isfahānī (b. 284/897; d. 357/967) reports in his *Kitāb al-Aghānī* that Khālīd had been suspected of *zandaqa* (here probably: "adhering secretly to his ancestral religion") and "effeminacy" (*takhannuth*).⁴⁶ The judge, Abū Umayya Sharīḥ b. al-Ḥārith (d. 80/699 or 87/705 or 89/707), when asked whether the much more famous Umayyad governor of Iraq and Iran, al-Ḥajjāj b. Yūsuf (b. 41/661; d. 96/714), was

44 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 7, p. 175.

45 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 7, p. 175.

46 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 2, p. 228 and n. 2.

a believer, answered with malicious glee: “Yes, in al-Ṭāghūt [a name for the devil], an ‘unbeliever’ in God, the Great.”⁴⁷

The poet Bashshār b. Burd (b. 96/714; d. 169/784) was ordered by the caliph al-Mahdī (r. 159/775–168/785) to be beaten to death for *zandaqa*, according to Szombathy, as a result of his once too often sharp-tongued poetry against some Basran notable and the caliph himself.⁴⁸ Ibn Khallikān quotes him in the entry on the Mu‘tazilite Wāṣil b. ‘Aṭā’ (b. 80/699; d. 131/748) as making fun of the scholar’s very long neck, which he compared to that of a giraffe.⁴⁹ One line in this poem states: “They charged men with ‘unbelief’ who did not believe in a man.”⁵⁰ Lines such as this pose usually three challenges for interpretation. One concerns their function in poetry aimed at assaulting people of political, social, religious, or intellectual influence. A second consists in understanding whether such lines, as part of ironic, sarcastic, or frivolous mockery, indeed reflect a highly charged, potentially dangerous play of words with regard to religion as a belief system as well as the behavior of individuals. A last issue pertains to the functions of such poems and their lines referring to “unbelief” and “unbelievers” in Ibn Khallikān’s biographical dictionary as well as in the works of the other four authors. While the first two questions have been addressed repeatedly by Szombathy and thus do not need to be dealt with in this paper, the third one has so far not been studied systematically.⁵¹

Such a comprehensive study is not only beyond the scope of this paper, but also beyond my expertise.⁵² Nonetheless, I wish to point out a few features that can be easily discovered when tracing the vocabulary of “unbelief” in the various entries. One point to make is that, in all three biographical dictionaries and to a lesser extent in the two historical chronicles, the authors leave no doubt that writing, citing, and reading poetry is a much appreciated skill in cultured men of their time. Thus choosing textual extracts from earlier sources that contain verses of different poetic genres contributes to enhancing the value of their own prose.

A second point to make is that, as a rule, Ibn Khallikān or any of the other four authors would not have searched collections of poetry to find suitable poems and particular lines from them. They would have appropriated them from earlier historical and biographical literature and thus would be following

47 Ibn Khallikān, *Wafāyāt al-a‘yān*, vol. 2, p. 462.

48 Szombathy, “Freedom of Expression,” pp. 19–20.

49 Ibn Khallikān, *Wafāyāt al-a‘yān*, vol. 6, pp. 10f.

50 Ibn Khallikān, *Wafāyāt al-a‘yān*, vol. 6, p. 11.

51 See Szombathy, *Mujun: Libertinism in Mediaeval Muslim Society and Literature*.

52 Szombathy, “Freedom of Expression,” pp. 19f.

already established tastes and habits, undoubtedly including the vocabulary of “unbelief” in those poetic parts. The construction of historical and biographical works predominantly from earlier texts thus ensured at least familiarity with if not the continued appreciation of the various kinds of poetry that laughed about, scoffed at, condemned, and ridiculed a broad variety of human physical and character flaws, political preferences, personal grudges, and, last but not least, religious beliefs and behaviors. One impact that this method of constructing historical and biographical literature had upon writers and readers alike is that it confronted them with the all-too-human nature of the vocabulary of “unbelief” and its use against opponents, adversaries, competitors, men of power, and subordinate or subaltern subjects.

The conspicuous absence in all five dictionaries of cases of *takfir* credibly grounded in religious controversies and not in other conflicts hidden behind and covered up by a religious language, compared to the number of stories or expressions of “unbelief” that serve as rhymes, irony or satire, political or social challenge, components of struggles for power, or simply as markers for a division of the world into the two camps of believers and “unbelievers,” suggests in my view that the five authors themselves enjoyed these stories probably as much as I did when researching them. Some of them made me smile or laugh outright, while others aroused my ire, sympathy, or amazement.

An example of the first category is the surprise the Fāṭimid caliph al-ʿAzīz bi-Llāh (r. 365/975–386/996) must have felt at the beginning of his reign, when one day he climbed up the *minbar* to deliver the Friday prayer and found the following verses, most likely by one of his Sunnī subjects:

We have heard an objectionable genealogy being recited high on the pulpit of the Friday mosque.

If you are truthful in your claim, mention an ancestor beyond the fourth ancestor.

So if you want to prove right what you said, give your genealogy to us as [Caliph] al-Ṭāʾiʿ did.

Or else if not, then leave all genealogies [discreetly] hidden, and be one of us within the wider genealogy.

For the genealogy of the Banū Hāshim clan is beyond the reach of the ambitions [of even the most] ambitious man.⁵³

53 I thank Zoltan Szombathy for translating these lines for me. Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 5, p. 373.

Ibn Khallikān or his source(s) commented on this anonymous barb by pointing out that the ‘Abbāsīd caliph al-Ṭā’ī‘ (r. 336/947–381/991) had been incorporated into the verses, since the confrontation took place during his reign.⁵⁴ He failed, however, to transmit the reply of the Fāṭimid caliph, continuing rather with the follow-up by the anonymous adversary, who had the courage to place a further note on the *minbar* the following Friday: “We are resigned to oppression and injustice, but not to ‘unbelief’ and stupidity.”⁵⁵

An example of the second category are the well-known stories about the power struggles between the governors of Iraq, Khurasan, and regions in between—al-Ḥajjāj b. Yūsuf, his brother-in-law Yazīd b. al-Muhallab (b. 52/672; d. 102/720), and Qutayba b. Muslim (b. 50/670; d. 97/715). Ibn Khallikān picks bits and pieces from earlier historians, in particular Muḥammad b. Jarīr al-Ṭabarī (b. 224/838; d. 310/923), to survey the difficult relationships between these three men and several Umayyad caliphs. Yazīd, who had been governor of Khurāsān, had survived an earlier attack on his life by al-Ḥajjāj, who had accused him in a letter to the caliph al-Walīd (r. 81/705–96/715) of squandering God’s property. The caliph’s brother Sulaymān (r. 96/715–98/717), a friend of Yazīd, sent his own son, chained to Yazīd, to the caliph in order to intercede for Yazīd. When Sulaymān followed his brother as the new caliph, Qutayba b. Muslim, who had himself meanwhile been appointed governor of Khurāsān, tried to prevent Yazīd’s return as governor, since he wished to keep this office for himself. For this purpose he wrote a series of letters to Sulaymān, in which he denounced Yazīd and threatened the caliph with withholding his allegiance should he not be reinstated. Al-Ṭabarī reports, on the authority of Abū ‘Ubayda Ma‘mar b. al-Muthannā (d. 209/824–25), that the “first letter contained slanderous remarks about Yazīd b. al-Muhallab, noting his perfidy, infidelity, and ingratitude.”⁵⁶ Sulaymān ignored the first two letters, but seems to have felt shaken by the third one, in which Qutayba b. Muslim renounces his loyalty. Yazīd, on the other hand, served the caliph well, but ran again into difficulties over withheld booty with the next caliph, ‘Umar b. al-‘Azīz (r. 99/717–101/720). In the end, Yazīd rebelled, calling for comrades-in-arms, in religious terms common for the period, and receiving the support of Khārījites and Murjīites.⁵⁷

The elements of this complex story that amazed me concern first the highly unspecific references to Yazīd’s treachery (*ghadruhu*), his “unbelief” (*kufruhu*), and his ingratitude (*qillat shukrihi*), and the notion that these should be

54 Ibn Khallikān, *Wafāyāt al-a’yān*, vol. 5, p. 373.

55 This is my own translation. Ibn Khallikān, *Wafāyāt al-a’yān*, vol. 5, p. 373.

56 Powers, *History*, p. 7.

57 Powers, *History*, p. xvi.

considered sufficient evidence to achieve the writer's goal of removing from a patron's favor this competitor for an office, while the attacked person (Yazīd) had—in my view—committed so many foul deeds that he should have been banned for life from holding office.⁵⁸ The second aspect that amazed me time and again is the fragmentary nature of the stories told by historians and biographers. As a rule, there is much more material to be found in earlier histories than is used by any of the five authors. Presenting a rounded case and telling a complete story was evidently not a primary goal when telling stories of "unbelief." As a result, judgments of whether the accusations were justified and the punishment fair, if meted out and described, are found only rarely. Telling incomplete stories, abstaining from inquiries into participants, consequences, and circumstances, and avoiding a firm stance are general features of narratives of conflict in the works of the five authors. Szombathy has interpreted similar features of 'Abbāsīd and Būyid poetry as forms of self-censorship and control of public voices.⁵⁹

Speaking the language of "unbelief" was not only convenient for threatening an adversary or ridiculing an unloved ruler, it was also relied upon for reprimanding allies or students, for celebrating the conquest of Jerusalem, and generally for narrating the Ayyūbid struggle against the Crusaders. These examples confirm that the language of "unbelief" served primarily to set boundaries for the political and the discursive, the public and the private. The shades of meaning and the layers of emphasis are often highly complex. Their interpretation depends not only on "objective" aspects, such as the knowledge of historical circumstances or the authenticity of a particular phrasing, but at least as much on "subjective" impressions caused by the sequences of words, metaphors, and images invoked by a particular poetic line or story. The founder of the Fāṭimid caliphate, Abū Muḥammad 'Abd Allāh ('Ubayd Allāh) al-Mahdī bi-Llāh (r. 297/910–322/934), lashed out in religious terms at the Qarmatian ruler of Bahrain, Abū Ṭāhir Sulaymān al-Jannābī (r. 311/923–333/944), after his sack and defilement of Mecca in 317/930, although he himself was by no means a stranger to political and religious violence when it served his ends: "You brought on our party and our dynasty's mission the labels of "unbelief" and godlessness with what you have done."⁶⁰

The religious implications of the encounter between a cherished legal scholar and ascetic famous for the miracles he performed and a little nobody

58 See the descriptions of Yazīd's activities in his various positions by Ulrich, *Constructing Al-Azd*, pp. 147–194.

59 Szombathy, "Freedom of Expression," pp. 5–16.

60 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 2, p. 148.

are plainly delineated in the following story. Yūsuf b. Ayyūb b. Yūsuf b. al-Ḥusayn b. Wahra al-Hamadhānī (d. 535/1140), one of the great figures of Ṣūfism and ancestor of two Ṣūfī orders (Naqshbandī and Bektashī), had held, beginning in 515/1120, a prayer assembly at the Nizāmiyya *madrasa* in Baghdad, attended by many listeners. One day, as Ibn Khallikān's source Abū l-Faḍl Ṣāfi b. 'Abd Allāh al-Ṣūfī recounts, a legal scholar (according to another of Ibn Khallikān's sources, a reader of the Qur'ān) by the name of Ibn al-Saqqā' stood up during the oration and importuned the master by asking his opinion about some problem. "The Imām Yūsuf said: 'Sit down, because in truth I find in your words the odor of unbelief. Perhaps you will die without the religion of Islam.'"⁶¹

There could be no doubt, of course, that Yūsuf al-Hamadhānī had seen the future correctly. According to Ibn Khallikān's source, a short time later the Byzantine ambassador came to Baghdad and was approached by Ibn al-Saqqā', who implored him to let him travel with him to Constantinople, because he allegedly had renounced Islam and embraced the ambassador's religion. The ambassador accepted the request, Ibn al-Saqqā' journeyed with him to the Byzantine capital, met the emperor, and died there as a Christian.⁶² But he did not die in peace. He died in hardship, as Ibn Khallikān found out from Ibn al-Najjār al-Baghdādī's (d. 643/1245) [*Dhayl*] *Ta'rikh Baghdād* ("[Appendix to the] History of Baghdad"). The historian had talked in Baghdad to another reader of the Qur'ān, one Abū l-Karīm 'Abd al-Salām b. Aḥmad, who had allegedly met some unnamed visitor to Constantinople. This man had met the convert sick, sitting on a bench holding a tattered fan in his hand, with which he chased the flies from his face. He asked him whether he still remembered anything from the Qur'ān. When Ibn al-Saqqā' admitted to having forgotten all but one verse, one of the four narrators, possibly Ibn Khallikān, added contemptuously that it might have been the verse: "Again and again those who disbelieve will wish they were Muslims."⁶³ No wonder then that the story ends with the invocation: "May God save us from a fate like that and the disappearance of His grace and the descending of His wrath. We implore Him for firmness in the religion of Islam. Amen, amen, amen!"⁶⁴ Whatever the degree of historical truth that may or may not inhere in these layers of storytelling, Ibn Khallikān clearly presents the story with a moralizing edge. Edifying as well as admonishing readers is certainly one function of several stories of "unbelief" in his biographical dictionary, but perhaps most clearly so in this one.

61 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 7, p. 78.

62 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 7, p. 79.

63 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 7, p. 79.

64 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 7, p. 79.

In his *Ta'rikh*, Abū l-Fidā' reports two cases of *takfīr* and three cases of *kaffara*, in the sense of declaring someone an "unbeliever." The first does not constitute an act of one person declaring another an "unbeliever," but a description of the views of a sub-group of the Khārijites toward all other Muslims. Abū l-Fidā' writes that Abū Yazīd (Makhlad b. Kayrād) (b. 260/873; d. 336/947) left his hometown, went to Tahert (today Tiaret, in Algeria), and joined the *Nukkāriyya madhhab*, "which is *takfīr* of the *ahl al-milla*," that is, which identified as "unbelievers" all other members of the Islamic *umma*.⁶⁵ The second case refers to the beliefs and activities of a warlord in the area around Zabīd, in Yemen, 'Alī b. Mahdī (d. 554/1159), who was a Ḥanafī. "He killed [those] who differed from his belief among the *ahl al-qibla*."⁶⁶ His companions considered him a prophet. They killed everybody who drank and listened to music. Abū l-Fidā' calls this position and the ensuing activities *takfīr* by disobedience (or rebellion) (*wa-kāna madhhab 'Alī b. Mahdī takfīr bi-l-ma'siyya*).⁶⁷ This formulation indicates two issues in the usage of the term *takfīr*. One is of a semantic nature, the other concerns degrees of legal interpretation. Semantically, as most of the examples found in the five works prove without doubt, the term means declaring someone an "unbeliever." This someone is usually someone other than the accuser, but can also be the person who undertakes *takfīr*. In rare cases, as far as my five sources are concerned, *takfīr* indicates also the seduction of others to "unbelief." *Takfīr* by disobedience (or rebellion) can include both layers of meaning. In 'Alī b. Mahdī's case it encompasses without doubt both of them, since not only did he himself violate rules of Ḥanafī law by ordering those Muslims who did not follow his teachings killed, but he also seduced his followers to accept beliefs contradicting basic tenets of Sunnī Islam, such as the belief that Muḥammad is the seal of the prophets. In addition, *takfīr* can also mean repentance, expiation, and atonement. This increases the narrative ambivalence considerably. I will come back to these semantic issues in Section 3.

The three cases of *kaffara* in the sense of declaring someone an "unbeliever" describe al-Ghazālī's interpretation of the philosophical doctrines of al-Fārābī and Ibn Sīnā as *kufīr*, and the equally well-known competition in al-Fuṣṭāṭ between al-Shāfi'ī and Ḥafṣ al-Fard (fl. ca 184/800–215/830) on the createdness of the Qur'ān, which al-Shāfi'ī terminated by accusing his opponent of *kufīr*.⁶⁸ By placing the accusation at the end of the description of the competition,

65 Abū l-Fidā', *Mukhtaṣar*, vol. 1, p. 477.

66 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 254.

67 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 254.

68 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 85.

Abū l-Fidā' implicitly indicates one aspect of its function—the breaking off of a public debate if one of the disputants either had become exasperated with the other or did not know what reply to give, having exhausted all his arguments. As for the philosophers' articles of "unbelief," Abū l-Fidā' adds a kind of disclaimer, in the sense that he refers to unnamed people, according to whom Ibn Sīnā had returned to the prescriptions of the *sharī'a* and its beliefs.⁶⁹

The verb *kafara* and the verbal nouns *kufṛ* and *kāfir* and its plural forms appear in Abū l-Fidā's *Ta'riḫ* altogether fifty-two times. A good number of these occurrences (forty-two times) happen in the early history of the Jews and in Islamic history up to the fifth/eleventh century.⁷⁰ Some also concern ancient Egyptian history and oriental Christians (five times).⁷¹ Five cases refer to events in the sixth/twelfth and seventh/thirteenth centuries.⁷² In the eighth/fourteenth century, two more stories can be found, but they were added by 'Umar b. Muẓaffar, known as Ibn al-Wardī (d. 748/1348), who continued Abū l-Fidā's *Ta'riḫ* until the year of his death.⁷³ The usage and meaning of these terms again cover a fairly broad spectrum. The language of "unbelief" is used to report who went over to Muḥammad and who remained dedicated to his ancestral religion; to humiliate the Byzantine emperor Nikephoros I (r. 802–811), heap scorn on the Mongols, and praise the Mamlūks; to highlight tensions between what was considered legal and what was considered politically doable or wise; to record popular sayings, recite Qur'ānic verses against Christian tenets, or alert readers to the dangers of excessive panegyrics and flattery of rulers.

When any of the five authors talks of early Islamic history (1st/7th century), the terms *kafara*/*kufṛ*/*kāfir* are limited to the immediate opponents of Muḥammad in Mecca and the Arab tribes, except where the terms appear in quotes from the Qur'ān. In their representation of the late Umayyad period, this vocabulary had already found a wider use, although *zandaqa* seems to have been the preferred term to speak of internal adversaries and dissidents. In the view of Abū l-Fidā', the early 'Abbāsids spoke of and to the Byzantine emperors using the language of *kafara*. On the back of a letter to Emperor

69 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 85.

70 Abū l-Fidā', *Mukhtaṣar*, vol. 1, pp. 9, 11, 12, 27, 29, 32 (2 times), 126, 178, 179, 188, 195 (2 times), 206, 222, 230 (2 times), 267, 268, 290, 291, 307, 320, 326, 331, 359, 375, 376, 419, 428 (2 times), 473 (4 times); vol. 2, pp. 8, 33, 80, 88 (2 times), 109, 164.

71 Abū l-Fidā', *Mukhtaṣar*, vol. 1, pp. 45, 78, 79, 131, 133.

72 Abū l-Fidā', *Mukhtaṣar*, vol. 2, pp. 286, 353, 385, 396; vol. 3, p. 35.

73 Abū l-Fidā', *Mukhtaṣar*, vol. 7, pp. 258, 278–279. I did not include in the count above those and other stories by Ibn al-Wardī.

Nikephoros I, the caliph Hārūn al-Rashīd (r. 160/776–194/809) had scribbled: "Basmallāh, from Hārūn, *amīr al-mu'minīn*, to Niqifūr, the dog of Byzantium (*kalb al-Rūm*): I have read your letter, oh son of a female 'unbeliever' (*ibn al-kāfira*)."⁷⁴ In his domestic policy, the caliph was more prudent, as the story about a *fatwā* by Abū Yūsuf, a follower of Abū Ḥanīfa (b. 80/699; d. 148/765), suggests.⁷⁵ A Muslim had killed an "unbeliever" and the victim's family came to the *fāqih* to ask for justice. Abū Yūsuf ruled that they had a right to retaliate in kind. This judgment roused the ire of an unknown Muslim, who accosted the judge on the street with the words: "Oh killer of a Muslim by an 'unbeliever,' you strayed! The just is not like the tyrant! Oh, there [should be] in Baghdad and her provinces a scholar of the people or (at least a) knowledgeable person!" Hārūn, when informed about this incident, called Abū Yūsuf to him and demanded: "Correct this affair by a trick (*hīla*), so that there will be no rebellion (*fitna*)!" Abū Yūsuf falsified a document of protection, which halted the retaliation.⁷⁶

The story of the Seljuq sultan Malikshāh (r. 465/1072–485/1092) serves to prepare the reader for what we would call today a political jest. The sultan went hunting one day near Isfahan with a Byzantine ambassador. One of his dogs ran away and climbed up to a certain place, where the sultan then erected a fortress, because the ambassador had praised the spot saying: "If this happened in our country, we would build a fortress in that place."⁷⁷ After the sultan's death this and other fortresses in and around Isfahan were in the hands of the Ismā'īlīs and from these points, they were empowered to inflict much suffering on their enemies. As a result, a wrathful saying made the rounds among the city's population: "A fortress pointed out by a dog and recommended by an 'unbeliever' [leads] necessarily at the end to a disaster/evil."⁷⁸ The Mongols, finally, were mocked in rhyme in Muḥammad b. Aḥmad b. 'Alī al-Munshī al-Nasawī's (d. 647/1249–50) *Ta'rikh zuhūr al-Tatar* ("History of the Emergence of the Tatars"), claiming that the succession of their rulers did not proceed through the eldest of their line, but from one "unbeliever" to the next.⁷⁹ Abū l-Fidā' must have liked this mockery quite well, because he did not quote much else from this source.

74 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 164.

75 This is, however, one of the stories, Ibn al-Wardī tells. Abū l-Fidā', *Mukhtaṣar*, vol. 3, p. 273.

76 Abū l-Fidā', *Mukhtaṣar*, vol. 3, p. 273.

77 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 164.

78 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 164.

79 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 396.

Like Ibn Khallikān, Abū l-Fidā' uses this vocabulary of "unbelief" to label any non-Muslim group and praises rulers and military commanders for clearing entire regions of *kufṛ*. The Qarakhānid ruler of *Mā warā' al-nahr* (Transoxania) Qadr Khān Yūsuf b. Bughrā Khān (r. 409–423/1018–1051) "had healed the city of al-Tīra (?) from 'unbelief.'"⁸⁰ After the Mamlūk sultan al-Malik al-Muẓaffar Sayf al-Dīn Qutuz (r. 657/1259–658/1260) had defeated the Mongols at 'Ayn Jālūt, poets celebrated him, including in their panegyric the line "'unbelief' perished in Syria."⁸¹ Abū l-Fidā' also lists at least once in the context of his employment of the vocabulary of "unbelief" specific beliefs and practices that were in conflict with those of Sunnī Muslims. The person who was the adherent of such beliefs was Abū l-'Alā' al-Ma'arrī (b. 336/973; d. ca 449/1057). He is described as a follower of Indian doctrines, refusing to eat meat, eggs, and milk, and to inflict pain on animals. "His 'unbelief' was obvious. He was called a 'Muslim in hiding' (*muslim fī l-bāṭin*)."⁸²

While most of the stories and quotes told by the five authors are either funny, moralizing, mocking, or mean, they rarely reflect cruelty, even if they speak of executions and death. Ibn al-Wardī, appalled by one case full of cruelty, decided to present it. The story he tells for the year 747/1346 reflects social strictures and gender inequalities, but at the same time shows the courage and compassion of women and the horror that gripped the men. Ibn al-Wardī calls it a "strange" (*gharīb*) event. The eldest daughter of the family of 'Amrū l-Tīzīnī, a most beautiful young lady, had just been married. She loathed the groom so much that she searched for a way to be released from the contract before the marriage was consummated. She was told to present herself as an "unbeliever," and she uttered the words even though she did not comprehend their meaning.⁸³ This was a legal trick (*hīla*) applied often by Muslim families who wished to dissolve a marriage contract without too many problems. As a rule, both sides understood the implications of such a declaration. The contract would be dissolved on grounds that a Muslim should not be married to an "unbeliever." Afterwards the former bride would speak some religious formula and return to the *umma*. This case, however, is unusual, since it went against

80 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 80. The ruler in question was most likely Yūsuf Qādir Khān, who belonged to the branch of the Qarakhānids, which ruled in Kashghar. The form of his name varies from author to author as Nazim has pointed out. Nazim, *Life and Times*, p. 50, fn 1.

81 Abū l-Fidā', *Mukhtaṣar*, vol. 3, p. 35.

82 Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 109.

83 Abū l-Fidā', *Mukhtaṣar*, vol. 3, p. 278.

this social practice.⁸⁴ The groom was offended and seems to have bribed the judge to exact revenge. A man named al-Badrī, probably the judge, dragged the bride to court, granted the divorce, and ordered a most severe punishment for her: “Her ears and hair were cut off and hung around her neck. Her nose was slit. She was to ride around on a beast in Aleppo and Tizin. This was unbearable to the people. The women in all districts of Aleppo, including those of the Jews, came to bring her comfort. Hearts rejected the ignominy of that. Al-Badrī did not prosper afterwards.”⁸⁵ The extraordinary character of this event is highlighted by Ibn al-Wardī’s direct comment: “I say: the people staged an uproar, because a luminous full moon had to ride condemned (*musharraʿan*) among the men. I think that nothing like this [happens] to prisoners of war. They ride with them around on camels.”⁸⁶

This last story shows that the language of “unbelief,” despite its many shades and varieties, always carried with it the threat of bodily harm. The punishment inflicted on the young woman is not backed by the legal rules of any of the Sunnī law schools that were active in Aleppo in the eighth/fourteenth century. A few men had exacted revenge in the cruelest of manners. The story, together with Ibn al-Wardī’s comment, also indicates that the five authors singled out here to explore the vocabulary of “unbelief” with regard to scholars of the mathematical sciences were apparently very guarded in their choices of what to tell. The majority of the stories of “unbelief” they selected are neither as detailed nor as cruel as the one transmitted by Ibn al-Wardī. Many of them express the infatuation that members of Islamicate elites felt towards risqué puns and the courting of danger. Others reflect the increasingly binary perception of the world that guided them. They leave no doubt that the stories’ authors, their recyclers, and the actors as set up in them considered themselves superior to all who did not share their beliefs. Even if they did not always condone persecution and violence, they refused to consider people believing in other creeds as legally and morally equal and scorned those who left the *umma* trusting that their fate on earth could be anything other than misery. Again other stories document the efficacy of the vocabulary of “unbelief” as a language of political protest, ridicule, and personal revenge. It was perhaps this latter aspect that motivated the five authors to abstain from telling too many stories of “unbelief” for the period of their own lives and the centuries immediately preceding them. After all, they wanted to be seen as historians, not as social reformers.

84 I thank Zoltan Szombathy for informing me about this social practice.

85 Abū l-Fidāʾ, *Mukhtaṣar*, vol. 3, p. 278.

86 Abū l-Fidāʾ, *Mukhtaṣar*, vol. 3, p. 279.

3 Narrative Styles for Representing *kufī*

In this section I will focus on four elements of narration. I will begin with the echoes that stories of “unbelief” evoke within a single work. Then I will turn to the manner in which stories resonate among the five texts. Thirdly, I will discuss the ways in which the authors appropriated stories from other chronicles or dictionaries. I will then pay particular attention to the semantic fields of *k-f-r*. Two things should be made clear before I plunge into this exploration of narrative styles used by the five authors. There are many more facets to the texts than the stories of “unbelief” and the ways in which these stories are integrated into their entire narratives as well as in the subunits where they appear. Hence there are more questions that could at least be asked, even if not always answered. I am fully aware that I have presented here rather limited efforts to find clues as to why the five authors did not tell many stories of *takfīr* in general and even less so for their own lifetimes and none for scholars of the mathematical sciences. A single article on the silence of five authors of this period on stories of “unbelief” regarding scholars of the mathematical sciences cannot compensate for all the facets that need to be investigated if this silence is meant to be understood in its specific context for each one of these authors, not to speak of the communities in which they lived and with whom they communicated and the traditions which they drew upon, modified, subverted, or (occasionally) broke with. Furthermore, what I lightheartedly call in this paper “stories of unbelief” are very often not stories in the precise sense of the word. They are rather elements in a different story and thus often just data or even only sound bites. Some of them are fragments of stories of “unbelief,” which are not told by the five authors because they wished to use these very fragments for a purpose different than telling the original story. The very few stories that are in a limited sense complete—that is, that are stories with a beginning, a middle, and an end, like the stories about the *fitna* in Firuzkuh or the fate of Shihāb al-Dīn al-Suhrawardī—are, as a rule, not narrated by the five authors themselves, but recycled by them from previously constructed narratives. That is why studying features of intertextuality, which are present in any text, acquires an additional relevance for understanding Arabic, Persian, or Ottoman Turkish histories. The still widespread practice of using such histories primarily or even exclusively as sources of information is methodologically inadequate.

Stories told by Ibn al-Qifṭī are challenging examples of the three kinds of intertextuality (echoes, resonance, and appropriation). Since the background information on the author himself and the conditions in Aleppo where he compiled his dictionary are incomplete, it is not really possible

to deduce motivations with certainty from his kind of storytelling. But what can be done in this paper is to analyze similar kinds of statements about the relationship between the mathematical sciences and *kufr* and the manner in which they are embedded in the larger story, either as told by Ibn al-Qifṭī or hidden away.

As stated in Section 2, Ibn al-Qifṭī uses the word *takfīr* first and last in his biography of Aristotle. The passage where it appears is important because of its content and source, but not because of its placement within the biography. Given the scholarly profile of Aristotle, the focus of the discussion is on philosophy and its various subdisciplines. The source is Chapter 2, *Falsafa*, from al-Ghazālī's *al-Munqidh*. Surprisingly, Ibn al-Qifṭī does not quote al-Ghazālī's text verbatim, but appropriates it by substantially summarizing and modifying the original. The extent to which he interferes with the original wording, while preserving its content and structure, is impressive and fairly unusual when compared, for instance, with the practice of literal quote employed by Ibn al-ʿIbrī with regard to Ibn al-Qifṭī, or Ibn Abī Uṣaybi'a with regard to Galen. The paraphrase of al-Ghazālī's text is placed, again surprisingly, at the very end of Aristotle's biography, as if being appended to the long quote of a list of Aristotle's works from a third/ninth-century Arabic translation of a Greek text. The unusual placement of such an important quote, if Ibn al-Qifṭī had indeed aspired to again drive home the point that philosophers are "unbelievers," is highlighted by its deviation from what is the widespread norm in biographical entries of Arabic dictionaries of scholars. As a rule, the list of works is either the ultimate or the penultimate item presented. If it is not the last item, then either the day of death or some poetry or a wise saying ends the text. Another feature that may have decreased the relevance of the message in the reader's mind is the lack of any reference to its parent text and its author. By not naming his illustrious model, Ibn al-Qifṭī loses a rhetorical tool for enhancing the status of his paraphrase. His far-reaching interference with the original text leaves no doubt that Ibn al-Qifṭī was well aware of what he was doing and did so anyway.

Rewriting a long passage from Chapter 2 of *al-Munqidh*, Ibn al-Qifṭī presents the classification of ancient Greek philosophy as comprising three schools (those who believe in eternity, the naturalists, and the theists). The members of the two first schools are declared *zanādiqa* ("crypto believers"?). Aristotle is praised for having refuted them as well as his predecessors from among the theists, such as his teacher Plato and Plato's teacher, Socrates. Although Aristotle is declared the leading philosopher, he is also labeled an "unbeliever," and al-Fārābī and Ibn Sīnā as his followers are thus like him "unbelievers." Ibn al-Qifṭī reinstates economics as a philosophical discipline, omitted by

al-Ghazālī—without correcting, however, the resulting numerical change from six to seven subdisciplines—and also calls ethics political.⁸⁷

By contrast to this paraphrase, Ibn al-Qiftī now follows al-Ghazālī's text almost verbatim, when he repeats al-Ghazālī's determination of the status of the subdisciplines of philosophy plus logic with regard to *kufṛ*. He lists the three points of *kufṛ* (eternity, resurrection, and universals) with regard to metaphysics and natural philosophy, exempting logic and the mathematical sciences from *takfīr*. One of the exceptions in this almost verbatim reproduction of this passage is Ibn al-Qiftī's treatment of the mathematical sciences. Here, he cuts out most of al-Ghazālī's elaborations about the perils emanating from them and alters even the beginning of this critique by speaking explicitly of only one harmful effect:

The doctrine of Aristotle and their doctrines [i.e. al-Fārābī's and Ibn Sinā's] consist of three parts: one part which needs to be declared 'unbelief' (*takfīr*); one part which needs to be declared innovation (*tabdīʿ*); one part which does not need to be rejected (*inkār*) at all. These three parts are distinguished in six [sic] domains: mathematical, logical, natural philosophical, metaphysical, political of the city, domestic, politico-ethical. As for the mathematical (domain), pertaining to arithmetic, geometry and the knowledge of the configuration of the world, there is nothing in those that is connected with the religious disciplines through refutation or affirmation. They are rather demonstrative matters with no reason to repudiate them after one has understood and comprehended them. They are, however, connected with a detrimental evil. This is [the following]: he who looks into them, when he sees their subtleties and the validity of their proofs, opines that all the disciplines of philosophy (*ḥikma*) are in regard to certitude as they are, but he errs and the matter is not so.⁸⁸

The main message with regard to this group of sciences is strong and clear: they have nothing to do with "unbelief." The worst that can be said of them is that they mislead by their certitude. Although weaker than the later rejection of Ibn al-Māristāniyya's burning of Ibn al-Haytham's astronomical work and his denigrating words about its diagram of the heavens, the narrative strategy applied in both cases is the same: an older text, a witnessed account of an event, and perhaps also the available descriptions of this event in

87 Ibn al-Qiftī, *Ta'rikh al-ḥukamā'*, pp. 51f.

88 Ibn al-Qiftī, *Ta'rikh al-ḥukamā'*, pp. 51f.

contemporary written sources are reduced such that the mathematical sciences appear either fully or largely free of blame.

Abū l-Fidā's manipulation of the famous story of the clash between adherents of the Karrāmiyya and Fakhr al-Dīn al-Rāzī (d. 606/1210) in Firuzkuh (today Jam, in central Afghanistan) in the year 595/1198–99 exemplifies the active interference of an author into the textual body of a story he appropriates from an earlier narrator. In his approach, the structure of the story remains unaltered, while certain parts of its message are lost or restated differently. As a result, the story's overall gist is modified. Members of the Karrāmiyya, the dominant religious group in the Ghūrid realm (Delhi to Nishapur), provoked an open conflict between adherents of different theological interpretations of basic Islamic concepts.⁸⁹ While the ruler of Firuzkuh and Herat, Ghiyāth al-Dīn Muḥammad (r. 558/1163–599/1203), had received Fakhr al-Dīn in 595/1189–90 in Herat with open arms, his cousin, brother-in-law, and successor in Firuzkuh, Ḍiyā' al-Dīn Muḥammad b. Abī 'Alī (r. 599/1203–616/1219–20), opposed him and continued his support of the Karrāmiyya. In cooperation with the Shāfi'i and Ḥanafī adversaries of the scholar from Rayy, Ḍiyā' al-Dīn convinced his brother to invite all of them to a public debate at the summer court in Firuzkuh. The representative of the Karrāmiyya was one of their most cherished leaders, Majd al-Dīn Ibn al-Qudwa (6th/12th century). The debate went well for his party, in the story transmitted by Abū l-Fidā', but did not bring the hoped-for result, the banning of Fakhr al-Dīn from Ghūrid territory. All it achieved was to make Ghiyāth al-Dīn send him back to Herat. The Ghūrid ruler did not take this decision because he was convinced of Fakhr al-Dīn's *zandaqa*, as his cousin charged at the end of the debate. He rather had to yield because the people of Firuzkuh staged violent protests, which he had to suppress militarily. The violence broke out after Ibn al-Qudwa riled up the populace during Friday prayer, accusing Ibn Sīnā of unbelief and al-Fārābī of doing philosophy. The overall outcome for Fakhr al-Dīn of this unpleasant event was, however, very positive. Except for Ḍiyā' al-Dīn and the Ghūrid branch of Bāmiyān, the dynasty's members and its administrators highly appreciated the scholar, who became rich and socially prominent in their service.⁹⁰ The refusal of Ghiyāth al-Dīn to fulfill the wishes of his cousin and the Karrāmī scholars in their entirety is seen by Griffel as one element of what he considers the religious policy of this ruler as well as other members of the family. They wanted to overcome the anthropomorphism of the Karrāmiyya and, being impressed by Fakhr al-Dīn's broad education and his reputation among competing rulers from Central Asia

89 Griffel, "On Fakhr al-Dīn al-Rāzī's Life," pp. 335f.

90 Griffel, "On Fakhr al-Dīn al-Rāzī's Life," pp. 337f.

to Syria, they opted for a rational theology and Shāfiʿī's legal doctrines, that is, Fakhr al-Dīn's beliefs and convictions.⁹¹ Flood proposes a different interpretation of this shift of the ruling Ghūrīd elite from affiliation with and support of one particular religious group to another. In his view, the shift happened before Fakhr al-Dīn's arrival in Herat, as a result of a re-orientation from a more local to a more cosmopolitan outlook, which the Ghūrīds wished to project after having transformed themselves from local warlords to rulers of a large empire.⁹² In this perspective, Fakhr al-Dīn was viewed as a highly appreciated gift for lending support and respectability to a political shift already underway.

None of these explanatory elements, however, can be found in Abū l-Fidā's version of the story about the *fitna*. He describes the disputation and its outcome in the following manner:

Report on the *fitna* of Firuzkuh: In this year there was a great rebellion among the soldiers of Ghiyāth al-Dīn, *malik* of the Ghūriyya, and this happened in Firuzkuh. Its cause was that the Imām Fakhr al-Dīn Muḥammad b. ʿUmar b. Ḥusayn al-Rāzī, the famous *imām*, had come to Ghiyāth al-Dīn, who did his utmost to honor him and to show his respect. He built a *madrasa* for him in Herat, near the Friday mosque. This antagonized the Karrāmiyya, who were (numerous) in Herat. Their *madhhab* was that of making alike (*tajnīs*) and assimilating (*tashbīh*) [i.e. anthropomorphism]. All of the Ghūriyya [adhered] to the Karrāmiyya. They loathed Fakhr al-Dīn, because he was a Shāfiʿī and contradicted their *madhhab*. They agreed that the Ḥanafī and Shāfiʿī legal scholars of Firuzkuh should meet for a disputation [under the auspices] of Ghiyāth al-Dīn, [together with] Fakhr al-Dīn and the judge ʿAbd al-Majīd Ibn ʿUmar, known as Ibn al-Qudwa. He belonged to the Haysamiyya [branch of the] Karrāmiyya and had a high rank among them for his asceticism and his knowledge. Fakhr al-Dīn spoke [about *kalām*?]. Ibn al-Qudwa raised objections against him. The speech became long. Ghiyāth al-Dīn rose [to break it off]. Fakhr al-Dīn displayed an arrogant behavior against Ibn al-Qudwa, scolded him, and overdid his performance. Ibn al-Qudwa did not add to that, but merely said: "O Mawlana, may he only accept God!" This embarrassed al-Malik Ḍiyāʾ al-Dīn, the son of the uncle of Ghiyāth al-Dīn and

91 Griffel, "On Fakhr al-Dīn al-Rāzī's Life," pp. 337, 339f. What Griffel does not address, though, is why these Ghūrīds wished to overcome the beliefs held by the majority of the scholars living in their realm. Reflections on this point can be found in Flood, "Islamic Identities and Islamic Art," pp. 105f.

92 Flood, "Islamic Identities and Islamic Art," pp. 105f.

husband of his daughter. He complained to Ghiyāth al-Dīn, finding Fakhr al-Dīn blameworthy and linking him to the *zandaqa* and the *madhhab* of philosophy. But Ghiyāth al-Dīn did not [agree with] him. The following day, Ibn 'Umar b. al-Qudra [sic] preached to the people, saying after the *ḥamdallāh* and the eulogy for Prophet Muḥammad, may God bless him and grant him salvation: "Our Lord bade us to believe in what has been revealed, to follow the Prophet and to inscribe us with the witnesses. O people: We only say what we think is true of the Prophet, may God bless him and grant him salvation! As for the knowledge of Aristū [i.e. Aristotle] and the matters of 'unbelief' of Ibn Sīnā and the philosophy of al-Fārābī, we know nothing of them! For which reason was yesterday one of the sheikhs of Islam vilified for defending the religion of God and the Sunna of his Prophet?!" He bemoaned and bewailed the Karrāmiyya. The people came streaming in (*istaghāthū*) and rose from all sides. The city was filled with rebellion (*fitna*). This reached the sultan. He sent a squad to calm down the people and promised them [his] expulsion.⁹³

Although Abū l-Fidā' does not indicate his source for this account, it seems to have been Ibn al-Athīr's *al-Kāmil fī l-Ta'rikh* ("The Complete on History"). Griffel's account of the events, based on Ibn al-Athīr's telling, agrees in principle with the story told by the Ayyūbid ruler of Hama. Moreover, Abū l-Fidā' knew Ibn al-Athīr's *History*.⁹⁴ Hence, a comparison between the two forms of narrating the events will provide clues for understanding Abū l-Fidā's approach to relating a story about "unbelief." This comparison reveals thirty differences between the two texts. Five of them are probably the result of losses or changes through copying. Examples are, for instance, the loss of *baytihi* ("his house," meaning his family) in the description of the rank that the Karrāmī disputant held in his community, and the loss of the conclusion of the story.⁹⁵ It is also possible that the misspelling of Qudra instead of Qudwa in the preacher's name is due to a copyist's error, not to the text's modern editor. Other changes are unmistakably signs of an editing procedure, undertaken most likely by Abū l-Fidā' himself.

Some parts of this editing look like cutting down and weeding out a slightly longer text. An example of this kind is the shift from "*fī hādhihi l-sana kānat fitna 'aẓīma bi-'askar Ghiyāth al-Dīn malik al-Ghūr wa-Ghazna, wa-huwa bi-Fīrūzkūh 'ammat al-ra'īya wa-l-mulūk wa-l-umarā'*" ("in this year,

93 Abū l-Fidā', *Mukhtaṣar*, vol. 2, pp. 353–354.

94 Griffel, *Fakhr al-Dīn al-Rāzī*, pp. 335–336; Abū l-Fidā', *Ta'rikh*, vol. 2, p. 380.

95 Ibn al-Athīr, *al-Kāmil fī l-ta'rikh*, vol. 10, p. 262.

a great rebellion took place among the soldiers of Ghīyāth al-Dīn, the ruler of al-Ghūr and Ghazna, who was in Firuzkuh, (undertaken by) the subjects, the rulers, and the emirs”) to *“fī hadhihi l-sana kānat fitna ‘aẓīma fī ‘askar Ghīyāth al-Dīn malik al-Ghūrīyya wa-huwa bi-Fīrūzkūh”* (“in this year, a great rebellion took place among the soldiers of Ghīyāth al-Dīn, the ruler of the Ghuriyya, who was in Firuzkuh”).⁹⁶

Other deviations resulting from an editorial process appear more clearly imbued with other intents. Fakhr al-Dīn’s former involvement with Bahā’ al-Dīn Sām, the ruler of Bāmiyān, another supporter of the Karrāmiyya and a nephew of Ghīyāth al-Dīn, has completely disappeared. The role of Ghīyāth al-Dīn’s cousin as a head of the party inimical to Fakhr al-Dīn and intent on driving him away is downplayed, thanks to the change from Ibn al-Athīr’s to Abū l-Fidā’s formulation: *“wa-kāna ashadda al-nās ‘alayhi al-malik Ẹiyā’ al-Dīn, wa-huwa ibn ‘amm Ghīyāth al-Dīn wa-zawj ibnatihi. Fa-ttafaqa an haḍara al-fuqahā’ min al-Karrāmiyya wa-l-Ḥanaḥiyya wa-l-Shāfi‘iyya ‘inda Ghīyāth al-Dīn bi-Fīrūzkūh li-l-munāẓara . . . fa-inḡaṣalū ‘alā hadha wa-qāma Ẹiyā’ al-Dīn fī hadhihi l-ḡāditha wa-shakara ilā Ghīyāth al-Dīn wa-dhamma al-Fakhr, wa-nasabahu ilā l-zandaqa wa-madhhab al-falsafa . . .”* (“The people pressed charges against him with Ẹiyā’ al-Dīn, the cousin of Ghīyāth al-Dīn and the husband of his daughter. It was agreed that the Karrāmī, Ḥanaḡi, and Shāfi‘ī jurists should meet for a disputation in the presence of Ghīyāth al-Dīn at Firuzkuh. . . . Then they broke off with this. Ẹiyā’ al-Dīn stood up at this [point], thanked Ghīyāth al-Dīn, and blamed Fakhr al-Dīn. He related him to the *zandaqa* and the school of philosophy . . .”); *“Fa-ttafaqa an haḍara al-fuqahā’ min al-Karrāmiyya wa-l-Ḥanaḡiyya wa-l-Shāfi‘iyya bi-Fīrūzkūh ‘inda Ghīyāth al-Dīn li-l-munāẓara . . . fa-ṣa‘uba ‘alā al-malik Ẹiyā’ al-Dīn, wa-huwa ibn ‘amm Ghīyāth al-Dīn wa-zawj ibnatihi. Wa-shakkā ilā Ghīyāth al-Dīn wa-dhamma Fakhr al-Dīn, wa-nasabahu ilā l-zandaqa wa-madhhab al-falsafa . . .”* (“It was agreed that the Karrāmī, Ḥanaḡi, and Shāfi‘ī jurists should meet for a disputation in the presence of Ghīyāth al-Dīn at Firuzkuh. . . . This shocked Ẹiyā’ al-Dīn, the cousin of Ghīyāth al-Dīn and the husband of his daughter. He complained to Ghīyāth al-Dīn and blamed Fakhr al-Dīn al-Rāzī, relating him to the *zandaqa* and the school of philosophy . . .”).⁹⁷ While in Ibn al-Athīr’s description, Ẹiyā’ al-Dīn plays the role of a leader in an intrigue, he appears in Abū l-Fidā’s story as an innocent bystander who did not know what to expect and was badly surprised by Fakhr al-Dīn’s misbehavior. Hence the conflict is portrayed as one of socially improper behavior, not one of plotting. Another change seems to pursue a similar purpose. In Abū l-Fidā’s

96 Ibn al-Athīr, *al-Kāmil fī l-ta’rīkh*, vol. 10, p. 262; Abū l-Fidā, *Mukhtaṣar*, vol. 2, p. 353.

97 Abū l-Fidā, *Mukhtaṣar*, vol. 2, p. 353; Ibn al-Athīr, *al-Kāmil fī l-ta’rīkh*, vol. 10, p. 262.

description, namely, the revolt includes no bloodshed. Hence, the rebellious populace appears to behave in a much less violent and improper manner than in Ibn al-Athīr’s rendering of the events.⁹⁸

Since there is no reason to see Abū l-Fidā’ defending anthropomorphism or revolt and abuse of the pulpit, or as an enemy of Fakhr al-Dīn, the downplaying of intrigue and bloody rebellion must have had a different purpose. The only option for interpreting these changes in Ibn al-Athīr’s story by Abū l-Fidā’ (if he was indeed the story’s editor) is to assume that he wished to adapt it to an overall more irenic tone of narration. The silence about stories of “unbelief” with regard to scholars of the mathematical sciences could be placed into an overall narrative style of restraint, if this could be confirmed by an analysis of other stories about conflicts.

A second example of appropriation is Ibn Khallikān’s reproduction of a part of Ibn Bajjā’s biography as told by al-Faṭḥ b. Khāqān. The story as told by Ibn Khallikān was already presented in Section 1. Here I will explore its relationship to the texts Ibn Khallikān names as his two sources. The first thing to note is, as the modern editor of Ibn Khallikān’s biographical dictionary already indicated, Ibn Khallikān seems to have mixed up the two books by Ibn Khāqān. The extract he ascribes to the latter does not figure in the printed version of the *Maṭmaḥ al-anfus*, which has no biography of Ibn Bājja at all. It rather appears in at least two printed versions of the *Qalā’id al-’iqyān*. In the Būlāq edition, to which I had access, the philosopher’s biography is the book’s last entry under the heading *al-adīb al-wazīr Abū Bakr Ibn al-Ṣā’igh*.⁹⁹ It begins full force with a salvo of amazing hostility:

He is the soreness on the eyelid of religion and the grief of the souls of the rightly guided. He was famous for his feeble-mindedness and dementia. He renounced the assigned [i.e. the Qur’ān] and the Sunna. He did not subscribe to the *sharī’a*. [He strayed from the right path time and again]. He did not [behave according to the *sharī’a*].¹⁰⁰

On it goes for another three lines in rhymes of vitriolic speech before Ibn Khāqān’s passage quoted by Ibn Khallikān begins. The two texts agree except for four minor deviations: *kitāb al-ta’ālīm* (“book of the mathematical sciences”) instead of *tilka l-ta’ālīm* (“those doctrines”); the loss of *al-’alīm* after *al-ḥakīm*; the change of *lahu* (“it has”) by *aw* (“or”) in the description of man

98 Ibn al-Athīr, *al-Kāmil fī l-ta’rīkh*, vol. 10, p. 262; Abū l-Fidā’, *Ta’rīkh*, vol. 2, p. 354.

99 al-Faṭḥ b. Khāqān, *Qalā’id al-’iqyān*, pp. 102, 296–304.

100 al-Faṭḥ b. Khāqān, *Qalā’id al-’iqyān*, p. 296.

as a plant; *ḥamāma* (“dove”) instead of *ḥimāmuhu* (“his (fate of) death”; this may be a printer’s error).¹⁰¹ There is, however, no indication in Ibn Khāqān’s diatribe that the seven and a half lines had a special status in his text. Hence, there is no particular or easily recognizable reason why Ibn Khallikān applied his scissors to this very spot. Since he believed it came from Ibn Khāqān’s other work, I am inclined to assume that he did not cut the passage out from the *Qalāʾid al-ʿiqyān*, but from a text that quoted this passage and ascribed it to Ibn Khāqān’s *Maṭmaḥ al-anfus*. A situation like the one in Ibn al-ʿIbrī’s literal quote of Ibn al-Qiftī’s entry on ʿAbd al-Salām al-Jīlī (see below) can be easily assumed as the cause for Ibn Khallikān’s epitome of Ibn Khāqān’s harangue. Ibn Khallikān’s claim that, in the *Qalāʾid al-ʿiqyān*, Ibn Khāqān “related him (i.e. Ibn Bājja) to *taʾṭīl* (“denial of God’s attributes”), the *madhhab* of the physicians/wise men and the philosophers, and *inḥilāl al-ʿaqīda* (“destruction of the creed)” is, moreover, not a verbatim repetition of words used by that writer. Since Ibn Khallikān uses this kind of terminology when telling the story of Sayf al-Dīn al-Āmidī’s (b. 551/1156; d. 631/1233) treatment in and flight from Cairo, it is not implausible to assume that this description of the gist of Ibn Khāqān’s biographical entry on Ibn Bājja reflects the semantic field of “unbelief” in Ibn Khallikān’s own time.¹⁰² Ibn Khallikān’s rejection of the passage he quoted from Ibn Khāqān’s tirade as an exaggeration is exclusively phrased in terms of content, that is, that Ibn Bājja could not possibly have believed the bizarre things ascribed to him by Ibn Khāqān. Ibn Khallikān did not consider it necessary though to buttress his argument by simply pointing to the rhyming format of the entire text by Ibn Khāqān. This format unmistakably conditioned the choice of words, expressions, and phrases, including which Qurʾānic verse to use. The content was subordinate to the form as well as to the intention of Ibn Khāqān to vilify Ibn Bājja. Ibn Khallikān, a shrewd master of insult and praise, undoubtedly would have understood these two points. Thus, his decision to use this passage has nothing to do with a serious condemnation either of Ibn Bājja or of the role of the mathematical sciences in his alleged “unbelief.” This role of the mathematical sciences in the literary accusation of Ibn Bājja for “unbelief” itself is the result of Ibn Khāqān’s choice to represent himself as a gifted poet. It is constructed by rhyming *hayʾa* (“astronomy”) with *ḥayʾa* (“return”),

101 al-Faṭḥ b. Khāqān, *Qalāʾid al-ʿiqyān*, pp. 298f.; Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 4, pp. 429f.

102 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 3, p. 293: “*wa-nasabūhu ilā fasād al-ʿaqīda wa-inḥilāl al-ṭawīyya wa-l-taʾṭīl wa-madhhab al-falāsifa wa-l-ḥukamā*” (“and they related him to the corruption of the creed and the destruction of [true belief] and the denial of God’s attributes and the doctrines of the philosophers and the physicians/wise men”).

selecting “*wa-fakara fī ajrām al-aflāk wa-ḥudūd al-aqālīm*” (“and he thought about the bodies of the orbs and the boundaries of the geographical zones”) as correspondent to “*naẓara fī tilka l-ta’ālīm*” (“he reflected on those doctrines”) and opposing “*wa-ḥakama li-l-kawākib bi-l-tadbīr*” (“and he pronounced verdicts from the planets through (their) motion”) to “*wa-ḥtarama ‘alā llāh al-laṭīf al-khabīr*” (“and he committed crimes against God, the Subtle, the Knowing”). Hence, Ibn Khallikān’s repetition of this passage is not about its particular content as such, but about its form and its hyperbole. It is an example of entertainment through gossip. In this sense, Ibn Khallikān’s approach is indeed one of appropriation, not one of resonance, as is the case with Ibn al-‘Ibrī’s repetition of a story told by Ibn al-Qifṭī.

Ibn al-‘Ibrī, like Ibn Khallikān, had a certain fondness for the literal. The case of “unbelief” that he copied from Ibn al-Qifṭī verbatim is the latter’s brief story about Ibn al-Māristāniyya’s bonfire involving Ibn al-Haytham’s astronomy, abstaining from mentioning that books on Ibn Sīnā’s philosophy and the Sincere Brethren’s encyclopedia also were destroyed. As before, several questions need to be asked about form and function of such a literal quote. Does Ibn al-‘Ibrī tell only this abbreviated story or is it part of a longer description of what had happened? If the latter is the case, at which moment in his story does Ibn al-‘Ibrī introduce Ibn al-Qifṭī’s report? Does he borrow the writer’s entire presentation of the affair or only its climax? How does he introduce the quote and its author? Does the quote escalate or soften the tale of “unbelief”? Other questions could also be asked that involve issues of comparative appropriation, that is, differences between Ibn al-‘Ibrī’s approach to different stories and different authors. Here, the focus on resonance between his storytelling and that of Ibn al-Qifṭī must suffice.

Ibn al-‘Ibrī tells of the events as part of his note on the caliph al-Nāṣir li-Dīn Allāh’s death, in the year 622/1225. Notably, it is the first story he tells about the reign of this ‘Abbāsid caliph, although the events had taken place eleven years earlier. It is also remarkable that he connects them by placement and reference to the caliph’s reign (*wa-kāna fī l-ayyām al-imāmiyya al-nāṣiriyya*, “it was in the days of al-Nāṣir’s leadership”), despite the fact that he does not mention any other participant in them except for Ibn al-Māristāniyya and the victim, ‘Abd al-Salām al-Jilī. In particular, he does not mention the main instigator, the caliph’s majordomo.¹⁰³ In a sense, it is also the last and only story that he tells about this caliph’s reign, since all the other paragraphs refer either to others who also died in this year or to two physicians of the caliphal court, who are

103 Ibn al-‘Ibrī, *Ta’rikh*, vol. 1, pp. 146f.

simply praised for their education, skills, and activities.¹⁰⁴ Ibn al-ʿIbrī introduces Ibn al-Qiṭṭī with his full paraphernalia as a judge and a vizier, but does not mention his book's title, although he provides it some twenty-five pages later, in the entry for the year Ibn al-Qiṭṭī died.¹⁰⁵ As a direct quote, he marks only the part ascribed to Ibn al-Qiṭṭī's friend, the Jewish physician and merchant, Yūsuf from Ceuta. In truth, however, the beginning as well as the end of Ibn al-ʿIbrī's report also comes from Ibn al-Qiṭṭī's entry on ʿAbd al-Salām al-Jilī. This means that he copied by and large the complete entry, together with the basic idea of ascribing the event to the caliphal reign. Hence, all Ibn al-ʿIbrī did on his own was to emphasize the somewhat vague link made by Ibn al-Qiṭṭī between the caliphal court and the fate of ʿAbd al-Salām by placing the story after noting the caliph's death, to highlight Ibn al-Qiṭṭī as his source for a short eyewitness report and to omit a few words or short sentences. To place Ibn al-Qiṭṭī as an author, judge, and vizier in the middle of his very own story enhances the drama of the story and directs the reader's attention especially to the book burning and its evaluation as improper. In this sense, Ibn al-ʿIbrī's little gimmick emphasizes Ibn al-Qiṭṭī's message without saying so. Altogether, Ibn al-ʿIbrī's approach to the story told by Ibn al-Qiṭṭī is a kind of cheap purchase of dramatic entertainment.

The second case whose resonance across the works of the five authors shall be discussed is a reference most likely made by the prophet Muḥammad, although one source identifies his mother as the speaker, to the healer al-Ḥārith b. Kalada. Ibn al-Qiṭṭī and Ibn Khallikān are the only two who present this case in what is possibly its original form. Ibn al-ʿIbrī reformulates it in such a way that the statement of "unbelief" disappears. Ibn Abī Uṣaybi'a, not surprisingly, does not present this case at all, despite his rather longish biographical entry dedicated to the physician.¹⁰⁶ Abū l-Fidā' limits it to a story about adultery, concerning the sons of a slave girl of Ibn Kalada, and a story about the death of Ibn Kalada's son on the day of Badr. As is argued in Section 2, the story of "unbelief" as transmitted by Ibn al-Qiṭṭī and Ibn Khallikān is evidence for another claim, namely that "his Islam was not sound." Each of them refers the story to the same source, even if this reference is phrased differently: Abū Mundhir Hishām al-Kalbī's *al-Jamhara* on genealogy.¹⁰⁷ Ibn al-ʿIbrī found these two claims not to his liking though. He restates both in a positive form, even altering the second one in such a way that what had been in the reading

104 Ibn al-ʿIbrī, *Taʾriḫ*, vol. 1, p. 147.

105 Ibn al-ʿIbrī, *Taʾriḫ*, vol. 1, p. 170.

106 Ibn Abī Uṣaybi'a, *Uyūn*, vol. 1, pp. 92–95.

107 Ibn al-Qiṭṭī, *Taʾriḫ al-ḥukamāʾ*, p. 162; Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 6, p. 362.

of Ibn al-Kalbī an implied permission now becomes a Prophetic command: *“fa-raja’a ilā l-Ṭā’if wa-shtahara wa-adraka l-Islām. wa-kāna al-nabī ‘alayhi al-salām ya’muru man kāna bihi ‘illat an ya’tihi fa-yastawaṣafuhu”* (“Then he returned to Ta’if, became famous, and grasped Islam. The Prophet, Peace be upon Him, commanded that he who was sick should go to him and consult him”).¹⁰⁸ The phrasing and context of this reformulation leave little doubt that Ibn al-‘Ibrī was inspired, as in other cases too, by Ibn al-Qiftī’s biographical entry for Ibn Kalada. Hence, a reader would have recognized at the very least a standard Muslim storyline about al-Ḥārith b. Kalada, if not Ibn al-Qiftī’s variant more specifically. The change of this story’s message though is rather amazing. The preference for a Muslim physician and, if this is impossible, at least for one of the same family, tribe, or clan expressed in Hishām al-Kalbī’s version of the story is replaced by the command, clear and simple, to consult a physician in case of sickness. Thus, while resonating with Muslim narrative tradition, Ibn al-‘Ibrī restates this tradition as the Prophet’s blessing of medical treatment of any patient by any doctor.

The three forms of intertextuality (echoes, resonance, and appropriation)—even when explored only in a limited manner as done here—highlight differences and commonalities among the five authors in their telling of stories of “unbelief.” The differences concern the presence or absence, the content and form, as well as the temporality and locality of the stories. Their commonalities consist in shared networks of texts and words. They also coincide more often than not in the fact that many of what I call stories of “unbelief” are not stories in the sense that they have a beginning, a middle, and an end, or that they have actors, a plot, and actions. Most of the stories of “unbelief” are rather snippets of conversation turned into a reservoir of data open for arbitrary recirculation. They are sound bites in a larger story, not a story themselves. Only a few of the examples found in the five books qualify indeed as something that can justifiably be called a story. There are certainly many reasons for this lack of narrative density in representations of *k-f-r*. One major reason is the difference between the types of genre to which the five texts belong—biographical dictionaries and historical chronicles in annalistic format. In the biographical dictionaries, each entry is the overarching story, which is the main narrative object. One needs to investigate all those entries to understand the roles, functions, and formats of storytelling in them. It is certainly not the case that there are no stories told in those entries. In particular Ibn Abī Uṣaybī’a was an eager storyteller. But he is also the one author who most often abstains from delivering any information about a conflict that involves accusations of “unbelief”

108 Ibn al-‘Ibrī, *Ta’rikh*, vol. 1, p. 46.

or its cognate expressions, such as *zandaqa* (“heresy,” “hiding one’s true belief”), *ridda* (“apostasy,” “defection of Bedouin tribes from the *umma* after Muḥammad’s death”), *ilhād* (“godlessness,” “apostasy”), *taʿīl* (“denial of God’s attributes”), and *inḥilāl al-ʿaqīda* (“destruction of the creed”). In the annalistic chronicles, the part on scholars of whatever discipline is almost always an appendix for each year. The main stories about rulers, governors, wars, or revolts are told before the information that someone (a scholar, a prince, an emir, etc.) had died. Then some additional data is presented. This summary is often much shorter in length than the preceding description of the year’s events. There is often simply no space—material or mental—for telling another story or two.

Beyond this issue of genres and the spatial structuring of a narrative, the lack of adventure, excitement, fear mongering, mystery, or moral, alongside the preference for information, education, confirmation, affirmation, and propaganda in the reports on “unbelief” presented by the five authors is probably caused by the shared practices of compiling such historical works through appropriation of pieces of text told by earlier authors and information provided by eyewitnesses and hearsay, and via transmitter chains. A study of the written and oral sources and the different forms in which they were used by each author will certainly improve our grasp of this peculiar lack of storytelling in their works where issues of “unbelief” are concerned.

A third type of reason for the seemingly factual nature of the reports on “unbelief”—which on closer inspection turn out to be fragments of stories that could have been told, but were not, as I have shown for a few examples—are the messages each author wishes to impart to his readers with his entire work as well as in every single narrative unit (biographical entry, events of a year, subunits). These messages are not always very clearly formulated and need to be reconstructed through a study of their intertextual features, as I have done here, or by investigating the complexity of the reports.

Means for uncovering layers of complexity that these reports may embrace are provided by various methods used in the humanities. I borrowed the concept of *semantic field* from Isutzu’s studies of Qurʾānic terminology, finding it useful for exploring shades of meaning of a key term when combined with similar as well as dissimilar expressions.¹⁰⁹ All I intend to argue for here is that it is insufficient to study merely statements of “unbelief” and their immediate narrative contexts. As the various examples presented in this as well as in other papers indicate, content, texture, implications, and scope of *k-f-r* and its derivatives vary among authors, genres, functions, localities, and times. The ambiguity of language and the brevity of many examples make a precise

109 Isutzu, *Ethico-Religious Concepts*.

understanding of the shades of meaning of many of them a difficult undertaking. Lack of loyalty and gratefulness, the breaking of an oath and repentance or expiation, all expressed by forms of *k-f-r*, reverberate in several of the examples found in three of the five works (Ibn al-Qiftī, Ibn Abī Uṣaybīʿa, Ibn Khallikān).¹¹⁰ A few cases remain unclear to me as to whether the intended meaning was “unbelief” or disloyalty, or perhaps ingratitude.

In Ibn Khallikān's entry on the Sabian secretary Hilāl b. al-Muḥsin, the religious meaning of the statement about “unbelief” seems to be clear. But because it is qualified by a subsequent statement about secular knowledge, this impression of easy certainty evaporates:

The mentioned Hilāl [converted] to Islam at the end of his life. He learned from the scholars (ʿulamāʾ) by [the method of] listening (*samāʿ*) about the state of his “unbelief” (*ḥāl kufrihi*), because he was searching for *adab* (education in literature or stylish comportment?).¹¹¹

Why Hilāl would have studied with Muslim scholars matters of Sabian and/or Muslim religion in order to acquire knowledge of *adab* is not easy to understand. One possibility for avoiding such a literal interpretation and its problems is to assume that the pair *kufṛ* and *adab* opposes ignorance and knowledge (of a particular kind, of course). The order of the short bites of information implies, however, that the instruction happened at the end of Hilāl's life, when he had been established for a long time as an excellent writer, secretary, and historian. Thus, it is highly unlikely that he was looking for instruction on the kind of knowledge that *adab* usually signifies. The other possibility for avoiding this implausible interpretation of the two phrases is to assume that the pair *kufṛ* and *adab* is used here in a purely religious sense, putting in opposition “unbelief” and belief. In such a case, *adab* would signify something akin to *īmān* (faith, belief).

This and other examples contained in the five works point to the necessity of exploring not only the elements of narration studied so far, but also of gaining a certain grasp of each author's usage of the vocabulary of “unbelief” and its companions. This task is hampered by the fact that most of the rather few stories of “unbelief” that the five authors tell in their dictionaries and chronicles are situated in periods before 1100 CE. As a result, the primary usage of the vocabulary of “unbelief” is not that of the authors, but that of their sources. The

110 Ibn al-Qiftī, *Taʾriḫ al-ḥukamāʾ*, p. 303; Ibn Abī Uṣaybīʿa, *Uyūn*, vol. 1, p. 434; Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 1, p. 70; vol. 2, pp. 33–34; vol. 5, p. 98; vol. 6, pp. 25, 311.

111 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 6, p. 101.

authors' own understanding cannot be read off directly from the stories they tell. Piercing the surface of the language used, with the purpose of gauging the authors' perception of an earlier lexicon, presupposes a comparative analysis of the represented stories in their form in their original setting and a study of the contextual constructions of each. Such an undertaking exceeds the limits of this article. What can be done to some degree, however, is to describe the lexical neighborhood of *k-f-r* and its derivatives in the five works.

One method of defining the semantic value of *k-f-r* or one of its derivatives is to pair it with an opposite. Such an approach is primarily chosen here for the noun *kufṛ* and occasionally for the verb *kafara*. The opposite of the first is usually *īmān* ("faith," "belief") and that of the second is *āmana*.¹¹² In a few cases, this pair appears in the texts of Ibn al-Qiftī, Ibn al-ʿIbrī, Ibn Abī Uṣaybiʿa, and Ibn Khallikān.¹¹³ Their character as opposites—with a positive meaning for *īmān* and a negative meaning for *kufṛ*—is illustrated in a short and sweet manner by Ibn Khallikān's quote that *īmān* is *abyaḍ* ("white," "bright," "noble," "sincere," etc.), while *kufṛ* is *aswad* ("black," "unlucky").¹¹⁴ In a similar manner, this contrary relationship is brought to the fore by Ibn al-Qiftī's eyewitness of the book burning in Baghdad, and his comment, as quoted above, that there is no *kufṛ* in astronomy, but that astronomy is a road to *īmān* and to the recognition of God's power.¹¹⁵ Ibn Abī Uṣaybiʿa employs the pair in the same connotation as the two previous authors for a (repeatedly misidentified) Roman emperor, specifying that he returned to adoring statues and unbelief after having believed. Thus, in this case, he makes no difference between adherents of different religions.¹¹⁶ His specification that the return to unbelief is synonymous with worshipping statues suggests furthermore that *kufṛ* was thought of as polytheism, at least where non-Muslim groups were concerned. Indeed, Abū l-Fidā' and in particular Ibn Khallikān pair *īmān* also with *shirk* ("polytheism").¹¹⁷

Socially, however, *īmān* was not always a strict opposite of *kufṛ*. The two terms rather shared important social functions. Like *kufṛ*, *īmān* was used for

112 The semantic opposition of this pair is confirmed by the first definition of *kufṛ* given in *al-Ṣaḥḥah fī l-lughah* (*didd al-īmān* = against *al-īmān*) and *Lisān al-ʿarab* (*naqīḍ al-īmān* = opposite of *al-īmān*). <http://baheth.info/all.jsp?term=كفر>.

113 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 229; Ibn al-ʿIbrī, *Taʾrīkh*, pp. 37, 49, 147; Ibn Abī Uṣaybiʿa, *ʿUyūn*, pp. 61, 265; Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 1, p. 394; vol. 5, pp. 243–244; vol. 7, p. 183; Abū l-Fidāʾ, *Mukhtaṣar*, vol. 1, p. 307, vol. 2, p. 286.

114 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 1, p. 394.

115 Ibn al-Qiftī, *Taʾrīkh al-ḥukamāʾ*, p. 229; Ibn al-ʿIbrī, *Taʾrīkh*, p. 147.

116 Ibn Abī Uṣaybiʿa, *ʿUyūn*, p. 61.

117 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 1, p. 471; vol. 4, p. 231; vol. 5, p. 91; vol. 6, pp. 63, 418; Abū l-Fidāʾ, *Taʾrīkh*, vol. 1, p. 382.

castigating social behavior perceived as improper. In the story told by Ibn Khallikān about the caliph al-Muqtafi bi-Llāh (r. 530/1136–555/1160), Hibat Allāh b. Ṣā'd, known as Ibn al-Tilmīdh (b. 465/1073; d. 560/1165), and Abū Maṣṣūr al-Jawālīqī (b. 465/1073; d. 540/1145), the perception of impropriety was not that of the whole of society, but that of a single person, namely al-Jawālīqī, the caliph's *imām*. Hence, the act against which the language of *imān* as well as the language of *kufṛ* was used was not per se improper. It became improper because of the religious affiliation of the actor, who was Ibn al-Tilmīdh, the caliph's main physician and well recognized at court for his service and companionship. But because he was a Christian, the Muslim whose manner of addressing the caliph the physician criticized—that is, al-Jawālīqī—felt it appropriate to reply to him in religious terms. Al-Jawālīqī turned to the caliph saying: "Oh, *amīr al-mu'minīn*, my *salām* is that which comes from the *Sunna* of the Prophet."¹¹⁸ Then he quoted from the *Sūrat al-Salām*, before continuing his address to the caliph: "Oh, *amīr al-mu'minīn*, if someone swore that a Christian or a Jew had no connection between his heart and any kind of knowledge in a satisfying way, since the charge of oath-breaking sticks to him because God has sealed their hearts, then God's seal will only be untied by belief." The caliph answered: "You are speaking the truth and acted well in what you did!" In all likelihood the first narrator of this event commented: "It was as if he had silenced Ibn al-Tilmīdh by prohibition with his virtue and the abundance of his knowledge (*adab?*)."¹¹⁹

A second method by which *kufṛ* is defined in the five works is by comparing it with doctrinal as well as operational terms that carry a negative value. These terms are mainly, albeit not exclusively, applied to Muslims. The list includes *zandaqa* ("adhering secretly to a different belief, while outwardly professing Islam"; "heresy"?), *bid'a* ("innovation"), *ilhād* ("apostasy," "godlessness"), *taḍlīl* ("misguidance," "straying from the right path"), *taẓāhur* ("dissimulation," "hypocrisy"), *jaḥd* ("disavowal," "rejection," "unbelief"), or more concretely *jaḥd rubūbiyya* ("disavowal," "rejection of or unbelief in a deity"), *ghadar* ("betrayal," "treachery"), *taqṣīr* ("negligence").¹²⁰ Moreover, in his modified extract from al-Ghazālī's *al-Munqidh*, Ibn al-Qiftī accepts that doubt (*shuhba*) is something than can push a person towards *kufṛ*.¹²¹ The use of *jaḥd* and *taqṣīr* and their individual contexts indicate the continued reverberation of the pre- and

118 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 5, p. 343.

119 Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 5, p. 343.

120 Ibn al-Qiftī, *Ta'rikh al-ḥukamā'*, pp. 50–52; Ibn Abī Uṣaybi'a, *Uyūn*, pp. 196, 265; Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 2, pp. 166, 534; vol. 4, p. 465; vol. 6, p. 136.

121 Ibn al-Qiftī, *Ta'rikh al-ḥukamā'*, p. 52.

early-Islamic connotations of gratitude and disavowal or rejection in the term *kufr*. Hence the religious and the secular, the divine and the princely seem to continue to overlap. An example for such a connotation is Ibn Khallikān's quote of one of Yaḥyā b. Khālid al-Barmakī's (d. 189/805) sayings: "*Dhikr al-ni'ma min al-mun'im takdir, wa-nasyān min al-mun'im 'alayhi kufr wa-taqṣīr*" ("When the donor mentions benefits it is an indignity. But if (someone who received a benefit) forgets it, it is ingratitude (*kufr*) and negligence.").¹²²

Never made explicit as equivalents to *kufr*, but clearly meant in such a manner by their specified religious content as well as the death penalty ascribed to them, are terms such as *ta'ṭīl* ("denial of God's attributes"), *fasād* or *inḥilāl al-ʿaqīda* or *al-i'tiqād* ("corruption" or "destruction of the creed or the faith/doctrine/dogma"). The only two authors of the five studied here who used these terms are Ibn Khallikān and Abū l-Fidā'.¹²³ Again, the cases told by them are few in number, five for Ibn Khallikān and six for Abū l-Fidā'. They refer to four famous scholarly "dissidents," one famous poet and two political cases: Ibn al-Rawandī (d. c. 298/911), Abū 'Āla' al-Ma'arrī, Ibn Bājja, Shihāb al-Dīn al-Suhrawardī, Sayf al-Dīn al-Āmidī, the Seljuq vizier al-Ṭuḡhrāṭī (executed in 515/1121), and the last Fāṭimid ruler, al-ʿĀdid (r. 555/1160–567/1171).

The additional case reported by Abū l-Fidā' concerns an ironic rebuttal of a student by his professor. The student was Ibn al-Ṣalāḥ al-Shahrazūrī (b. 577/1181; d. 643/1245), who tried to learn the basics of logic with his teacher, Kamāl al-Dīn b. Yūnus, but was a hopeless case. Hence, Kamāl al-Dīn recommended that he give up his efforts, pointing out that he would lose his good name and be accused of the "corruption of the creed" should he engage further with this kind of knowledge.¹²⁴ Ṣalāḥ al-Dīn later became an eminent transmitter of *ḥadīth*, a famous *mufī* issuing hostile *fatwās* against logic, philosophy, and Ibn Sīnā in particular, and an influential man in Ayyūbid politics in Damascus.

Ibn al-Wardī adds an event for the year 740/1339–40—recent history for him—that, like the story about the mutilated young woman, sounds akin to something that indeed took place rather than a matter of rhetoric or ritual. As in many other stories, very few participants in the event are named—in this case, the victim and two judges. By providing the latter's names, the author indicates that the case proceeded beyond mere declarations to the juridical stage. He also signals that the majority of judges in Latakia in all likelihood

¹²² Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 6, p. 226.

¹²³ Ibn Khallikān, *Wafāyāt al-a'yān*, vol. 3, pp. 111, 293; vol. 4, p. 429; vol. 6, p. 272; Abū l-Fidā', *Mukhtaṣar*, vol. 1, p. 428; vol. 2, pp. 109, 199, 329, 452, 476; vol. 3, p. 256.

¹²⁴ Abū l-Fidā', *Mukhtaṣar*, vol. 2, p. 476.

frowned upon the decision, since one of the two explicitly named judges was from a different town. Moreover, both men were Mālikīs. The instigators, in contrast, remain unnamed. Speaking of them in the plural, Ibn al-Wardī says that they are from Tripoli, which probably was the provincial center. These unspecified men were most likely some of the *‘ulamā* in collusion with one or more Mamlūk officers, since they are said to have feared the victim's sharp tongue and his connections to the *a‘yān* (leading men of the civilian elite) in Cairo. The victim was the preacher, market inspector, and deputy governor of Latakia, Ibn al-Mu‘ayyid Sharaf al-Dīn Abū Bakr (hanged in 740/1339–40). He was accused of *inḥilāl al-‘aqīda* ("dissolution of the creed") in some apparently forged document. The two Mālikī judges, ‘Abd al-‘Azīz and Jalāl al-Dīn ‘Abd al-Ḥaqq, were pressured into pronouncing the death penalty. "They were, however, weary of his crime and [became] sufferers of misfortunes."¹²⁵ The language Ibn al-Wardī uses in this story leaves no doubt that even when the act was not called *taḳfīr* and no explicit use of *k-f-r* or any of its derivatives occurs, the lesser accusation of *inḥilāl al-‘aqīda* was considered sufficient for demanding the death penalty. While accusations of *kufṛ*, at least in some of the stories, involves the option of repentance, lesser accusations are never combined with this way out of the conundrum, as far as the five authors and their stories are concerned. Not even Ibn al-Wardī brings up this point, although he clearly alerts his readers to the machinations going on here. The appearance of lesser accusations of alleged religious misbehavior may thus reflect efforts to overcome or at least avoid the legal obstacles against condemning a man for *kufṛ*. The two reasons provided by Ibn al-Wardī as central to the affair have, however, nothing to do with religious beliefs or obligations. As in many of the other cases told by the five authors, the tribunal against Ibn al-Mu‘ayyid was set up in response to the man's power in his hometown and the danger that apparently resulted from it for the instigators in Tripoli.

A look into the terms used in association with the label *kāfir* brings about further shades of meaning attributed to people either seen as enemies—like the Crusaders or the Mongols—or as adherents of suspicious beliefs or doctrines. It seems undeniable that nothing good could be said about such a person, but every bad thing that could be imagined was considered applicable. Hence notions of dishonesty and sexually frowned upon behavior can be found, as well as lack of maturity and manliness. An "unbeliever" was not merely defined as someone who adhered to a wrong belief, but as someone who more or less constantly violated social norms with regard to gender and, in some situations, also age. According to Ibn al-‘Ibrī, the Ilkhān Hülāgū used the words *kāfir* and

125 Abū l-Fidāʾ, *Mukhtaṣar*, vol. 3, p. 256.

fājir (libertine, profligate, adulterer, shameless liar, etc.) to taunt the Muslim ruler whom he wished to frighten into submission and surrender. Both terms were clearly meant as invectives and served to ridicule the Muslim opponent. Ibn Khallikān, in contrast, uses *fājir* as synonymous with *kāfir*.¹²⁶ A second synonym is *ʿilj* (“infidel,” “uncouth youth”), which he uses to describe members of the Crusader army in Egypt.¹²⁷ A third term is *zindīq*, which is perhaps the most opaque of all the terms used. In what I perceive as a rather weird story, Ibn Khallikān reports how the caliph al-Mahdī (r. 158/775–169/785) one day asked the police chief of Baghdad how he felt about Fāṭima, the daughter of the Prophet. The man answered that he loved not her, but her father, to whom he gave his full praise. The caliph replied that he loved both. Then he asked the officer about his birthplace. Once this was established he accused him of being a *zindīq*. The head of the police asked, I assume with some surprise and shock, what the signs for his *zindīq*dom were. Al-Mahdī listed drinking red-colored spirits and beating the tambourine.¹²⁸ In the libertine atmosphere of the early ʿAbbāsīd court, this seems to be a rather unusual definition. Even in later centuries, rulers, courtiers, and other members of the elite, including scholars, continued to drink different kinds of alcohol and of course not every law school forbade music. Thus, *zandaqa* and its related terms need to be studied on their own in order to understand why this particular accusation continued to be indiscriminately applied and why it was rather effective for meting out the death penalty, even during the times of the five authors.¹²⁹

Properties that flesh out the negative character of an “unbeliever” are reflected in terms like *kādhīb* (“liar”), *fāsiq* (“profligate,” “sinner”), *shaqī* (“culprit,” “scoundrel,” “rogue,” “criminal”), *ahl al-baghī* (“people of injustice,” “rebel”) or simply *baghīy* (“prostitute”).¹³⁰ They all contain strong moral connotations and do not pertain to doctrinal points. Thus, a *kāfir* was not portrayed merely and simply as someone who did not believe in God’s message, but much more so as someone who violated norms of proper social behavior. This is, however, primarily the case for Ibn Khallikān and to a much lesser extent for Abū l-Fidāʾ. The three other authors neither used the word *kāfir* nor any of the other listed terms except very rarely.

126 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 2, p. 70; vol. 4, p. 231; vol. 5, p. 91.

127 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 2, p. 70; vol. 4, p. 231; vol. 5, p. 91; Ibn al-ʿIbrī, *Taʾrīkh*, p. 117.

128 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 2, p. 467.

129 Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 1, p. 427; vol. 2, pp. 153, 467.

130 Abū l-Fidāʾ, *Taʾrīkh*, vol. 1, p. 313 (part of a Qurʾānic verse); vol. 2, p. 106; Ibn Khallikān, *Wafāyāt al-aʿyān*, vol. 4, p. 267.

Even this very limited and superficial look at the semantic fields that surround *k-f-r* and its derivatives uncovers a few aspects of the language of "unbelief" that a focus on stories of *takfir* alone or even the broader set of stories on *kufir* would have concealed. It demonstrates that in order to understand the functions and roles of the vocabulary of "unbelief" it is necessary to include also other modes of creating and organizing otherness, victimhood, and danger, by repudiation, mockery, denigration, and vilification. Laughter and death were the two extreme results of the reign of this vocabulary. In the early times of the caliphates, the two populated the same space, although the balance between them could easily change. In the times of the five authors, though, the willingness and capacity to use the vocabulary of "unbelief" for purposes other than defining enemies and strangers and legitimizing the killing of members of the own group seems to have vanished. What remained was a consciousness of the vocabulary's appropriation to cheat and deceive.

4 Conclusions

Taking as a starting point the major beliefs subscribed to during the last fifty years by historians and amateurs alike about the relationship between religion and science in past Islamic societies, I have been challenged by the material I have studied in some of the convictions I acquired as a student and during the many years of my professional activity. I have struggled with the central question that the five authors and books I had chosen for studying this relationship in a limited period of time and space (Ayyūbid and Mamlūk Egypt and Syria in the seventh/thirteenth and eighth/fourteenth centuries) posed to me when I prepared my talk for the conference in Madrid in 2011: why did they not incorporate stories of "unbelief" that involved scholars of the mathematical sciences? The absence of such stories about a particular slice of the scholarly communities of the period and region forced me to change time and again the material I was willing to study, the methods I found suitable for their analysis, and the interpretations I felt entitled to offer. I feel I found some elements of a satisfying answer.

A major element is that complete stories of "unbelief" would have been difficult to tell, since the legal stipulations of proving somebody an "unbeliever" are difficult to satisfy. Hence, other accusations were formulated early on, which were enriched in additional, more specific terms. But even when taking this legal side of "unbelief" into consideration there are simply not very many stories that the five authors tell either by using the vocabulary of "unbelief" or one or more of its associated terms. Other factors contribute to this paucity of

stories of “unbelief.” One of them was clearly the political and military situation during these two centuries. The vocabulary of “unbelief” served first and foremost to draw boundaries between the Ayyūbids on the one side, and the Crusaders and to a lesser degree the Mongols on the other. It was a vocabulary that regulated world order (not systems of religious belief), that is, that separated “us” from the “others.” When applied to “us,” this vocabulary had a parallel, if different, function of socio-cultural separation. It allowed catering to personal grudges and persecuting (mostly) men who were perceived as a threat to one’s own beliefs as well as status and power. Thus, not completely stripped of religious content, the vocabulary of “unbelief” served—according to the stories told by the five authors—more often for punishing competitors and socially improper behavior either rhetorically or physically. A second factor was created by the ways of storytelling used by each of the five authors according to the genre of their works. Mainly aiming at education and information, the stories of “unbelief” remain often incomplete, serve as markers of opinions and positions, and are loose threads that are woven together from other texts and authors. Edifying and entertaining clearly played a lesser role than educating and informing. Thus, there was little formal need for a plot with action, tension, laughter, shock, climax, and resolution. Formally edifying comments turn out to cover up gossip, irony, and sarcasm. Laughter and gasps are reproduced by recycling snippets of poetry, dialogue, and reports about past events from earlier sources. These borrowings are, however, not simple acts of copying previous texts. All five authors reshaped the borrowed texts in their own manner where they cut and pasted them, how they altered and embedded them, or which comments they adjoined to them.

A third factor resulted from the purpose of their writing biographical dictionaries or historical chronicles. In particular the dictionaries focusing on a particular group of scholars would not sit well with certain audiences if too many negative stories about the people with whom they identified were told. Other groups of readers, in contrast, would clearly have enjoyed a thorough bashing of the philosophers, astrologers, or physicians. But it was clearly not for them that Ibn al-Qiftī and Ibn Abī Uṣaybi’a wrote their books. Ibn Khallikān had a wider array of people in mind with his collection of famous sons of all times. This does not imply though that telling too many stories of exclusion and otherness would have contributed to the undeniable success of his biographies. Ibn al-ʿIbrī, Ibn Abī Uṣaybi’a, and Abū l-Fidāʾ were serious writers on mathematical, medical, and philosophical topics. They would not have desired to portray too often the sciences they pursued as unsupportable knowledge or activities, nor their peers as unsupportable people. Their clear reluctance to tell stories of “unbelief” or related themes would have received

additional encouragement from their scholarly personas. Last, but not least, they seem to have been put off by the odor of pretense, deceit, and duplicity that was attached to many of these stories, and of which they were so clearly aware.

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Takfīr in Egypt and Syria during the Mamlūk Period

Amalia Levanoni

In Islam accusations of heresy (*takfīr*) and the resultant trials, which were aimed at monitoring and repressing parties opposed to the established theological and political order, began in the second/seventh century with the emergence of the Kharijites (Khawārij), the first group defined as heretical in Islam. Later on, Shī'ites and Ṣūfis were persecuted by the regime for their deviations from Sunnī Islam, the state religion. However, the synthesis of orthodox dogmas and extreme intuitive mystical Ṣūfism by the theologian, jurist, and philosopher Abū Ḥāmid al-Ghazālī (d. 505/1111) and his successors paved the way for Ṣūfis to enter the mainstream Sunnī socio-religious order, although Ṣūfism remained distinct from traditional Sunnī Islam. By the seventh/thirteenth century, extreme Shī'ism had also ceased to be a vital force in southwestern Asia, mainly as a result of the elimination of Fāṭimid Shī'ī rule in Egypt (359/969–570/1174) by the Ayyūbids (570/1174–648/1250), and the seventh/thirteenth-century Mongol invasions of central Asian and Middle Eastern Islamic lands.¹ Until the rise of the Ṣafawids in Iran at the beginning of the tenth/sixteenth century, Shī'ī Islam was practiced mostly by the Turcomans in Central and Eastern Anatolia but it also had some adherents in Syria.² Consequently, there was no real threat from heretical Islamic groups to the official Sunnī order in Egypt or Syria under the Mamlūk regime (648/1250–923/1517).

In spite of these generalizations, the Mamlūk sources are replete with cases of *takfīr* and trials that attracted wide interest both on the part of the religious and political elites and among the common people. Jurists were prolific at producing ever-growing lists of expressions that implied unbelief,³ thus enlarging the potential scope for persecution of dissenters. *Takfīr* accusations during the

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1 Lewis, "Some Observations," pp. 49f.

2 Lewis, "Some Observations," p. 61.

3 Johansen, "Apostasy," pp. 691f.

Mamlūk period, as in earlier periods, served as an effective tool for imposing the normative religious and political public order or Orthodox Islam under the auspices of Mamlūk rule. Since control over the *takfīr* judicial system was a source of power that endowed the possessor with authority and a public moral presence, it also served as an effective platform for continuing discourse on issues of state and religion between learned scholars and the Mamlūk ruling military elite. The purpose of this chapter is to survey *takfīr* cases during the Mamlūk era, to chart processes of transition in judicial procedure and substance, and to discuss the implications of these cases for negotiations between Mamlūks and jurists regarding the paradigm of state and religion.⁴

Arabic sources for the Mamlūk period reveal sixty heresy cases, although most probably this list is not exhaustive. It worth noting that in addition to *takfīr* or *kufṛ* (“unbelief”)—which were the most frequent terms used for apostasy in the sources in the period in question—*zandaqa* (“heresy”), *fiṣq* (“sinfulness”), *bidʿa* (pl. *bidaʿ*, “innovation”), *ghuluww* (“exaggerated belief in the House of ʿAlī”), and *ilhād* (“denial of the existence of God”) were also in use, depending on the nature of the putative transgression.⁵ The *takfīr* cases found in the Mamlūk sources are listed below in chronological order.

1. In 658/1260, a complaint was filed against al-Kurānī, a Šūfī residing in al-Jabal al-Aḥmar, near Cairo, for committing *bidaʿ*. He was arrested, beaten, and released, after recanting and renewing his invocations to God and the Prophet in the presence of the Shaykh al-Islām, the Grand Muftī (jurist consult).⁶

4 In his book on the criminal underworld under the Mamluks, Carl Petry includes a chapter on heresy (Petry, *Criminal Underworld*, pp. 166–201), although religious dissidents do not belong sociologically to the criminal underworld category. Petry’s discussion is based on a selection of illustrative cases of religious dissidence among Muslims—such as blasphemy, false augury, and heresy—and among non-Muslims (especially Copts and Coptic converts)—with charges such as apostasy, refusal to acknowledge Islamic theological tenets, and violation of Sharʿī restrictions on non-Muslims. Petry concludes that the ruling authorities—both the jurists and the Mamlūk amirs—were reluctant and disinclined to apply maximum penalties in cases of Muslim dissidents, while non-Muslims, and particularly those who were not related to prominent patrons, were punished severely for refusing to repent. The present article provides, as much as possible, a survey of heresy accusations and trials during the Mamluk period, and dwells on judicial procedures and their use as a political tool by Mamlūk amirs and jurists in their negotiations on the issue of state and religion.

5 For discussion of these terms, see Lewis, “Some Observations.”

6 al-Nuwayrī, *Nihāyat al-Arab*, vol. 29, p. 469. For more details see al-Maqrīzī, *Sulūk*, vol. 1, p. 440.

2. In 659/1260, al-Zāhir Baybars (r. 658/1260–676/1277) condemned Āqūsh al-Qifjāqī for claiming to be a prophet. The trial took place in Dār al-ʿAdl, after which the accused was cut in two.⁷

3. In 701/1301, Faṭḥ al-Dīn Aḥmad al-Thaqafī,⁸ an esteemed intellectual who was proficient in Islamic sciences and belle lettres (*adab*), was accused of reviling the Qurʾān and the *sharīʿa*, neglecting cardinal religious obligations such as Ramaḍān fasting and the prohibition against wine, and inciting others to follow in his footsteps. In fact, he was an agnostic freethinker, who had many adherents among the Mamlūks and commoners who used to meet him in entertainment venues. He also had many normative followers in the learned circles, such as Nāṣir al-Dīn Muḥammad Ibn al-Shaykh, who, together with other clerics, tried to have him released by claiming that he was mentally unfit. The accusers made efforts to file as many testimonies as possible against him. More than thirty witnesses were brought to court to testify to al-Thaqafī's blasphemy. He was convicted and executed for heresy, his head was displayed on a spear in Cairo, and his body was hung on the Bāb Zuwayla, after it had been mutilated and dragged through the streets by the mob.⁹ The sources reveal that the strained relationship between the accused and the senior judges emerged during the trial.¹⁰ Specifically, the Shāfiʿī chief judge, Taqī al-Dīn Muḥammad b. Muḥammad Ibn Daqīq al-ʿId (d. 716/1316), and Zayn al-Dīn ʿAlī Ibn Makhlūf (d. 723/1323), the Mālikī chief *qāḍī*, bore a grudge against al-Thaqafī because he had scorned them in public. Ibn Makhlūf ignored all the legal arguments that al-Thaqafī wrote while in jail, expressing his repentance. Ibn Makhlūf even solicited the services of the Ḥanafī chief judge, Shams al-Dīn al-Sarūjī, to convince the sultan, or more precisely, the amir, who was the *eminence grise*, to support a death sentence for al-Thaqafī. It was only because of pressure exerted by the judges on the amir that he agreed to Ibn Makhlūf's death sentence for al-Thaqafī. It is worth mentioning that the Mamlūks took an interest in this case because many of them were al-Thaqafī's adherents, and the sultan's intervention was orchestrated behind the scenes because he had no authority to deal with heresy cases involving civilians.

This case, like others from earlier periods, illustrates the didactic quality of *takfīr* cases. The jurists tried to identify defendants with the enemies of Islam

7 al-Nuwayrī, *Nihāyat al-Arab*, vol. 30, p. 147.

8 He also appears under the name of al-Baqaqī al-Ḥamawī, see al-Maqrīzī, *Sulūk*, vol. 1, p. 925.

9 Zettersteen, *Beiträge*, p. 105; Ibn Kathīr, *Bidāya*, vol. 14, p. 18; al-Maqrīzī, *Sulūk*, vol. 1, p. 925; al-Nuwayrī, *Nihāyat al-Arab*, vol. 32, pp. 12f.

10 Ibn Kathīr, *Bidāya*, vol. 14, p. 18.

by claiming they were behind a plot controlled by evil powers to destroy the Islamic community from within. This paradigmatic dichotomous division between Islam and its enemies was not only a genuine belief held by traditionalist Muslims, but also a device to indoctrinate the public in the normative Sunnī order and reject dissident ways of thinking, such as al-Thaqafī's. Authorizing the mob to participate in the execution and mutilation of the body endowed the common people with a ceremonial role in the preservation of the normative religious order.

4. Muḥammad b. 'Abd al-Raḥīm b. 'Umar al-Jazarī al-Bājūrīqī,¹¹ a well known Šūfī and the son of a great jurist and *muftī* in Damascus, was accused in 704/1304 of *kufr* and sentenced to death by the Mālikī chief judge, a sentence that was not carried out. In 706/1306, after al-Bājūrīqī had spent two years in jail, the Ḥanbalī chief judge acquitted him on all charges, on the grounds that the testimony against him was in fact fabricated for personal vendetta; respectable '*ulamā*' and jurists organized to testify on his behalf. After his release, al-Bājūrīqī left Damascus for Cairo, where he maintained a low profile.¹² It is worth noting that bringing a case before a Mālikī judge always signified premeditation on the part of the accusers to use the court as a means of eliminating the accused. Mālikī doctrine was generally against the granting of *istitāba* ("repentance") to those accused of *zandaqa*.¹³ *Zindīqs* were those accused of externally pretending to be Muslims, and to allow them to repent would be tantamount, according to the Mālikī doctrine, to granting them permission to continue lying.

5. Aḥmad al-Rūmī, probably a Šūfī from Anatolia, was sentenced to death and executed in Damascus on 8 Shawwāl 715/7 November 1315. He was accused of vilifying the Qur'ān and the Sunna and neglecting religious obligations. The Mālikī judge rejected al-Rūmī's claim of repentance, which according to the *sharī'a* should have spared his life.¹⁴ In this context Muslim legalists tended to brand Šūfī *shaṭaḥāt* or *shaṭhiyāt* ("ecstatic utterances") as a blasphemous claim to divinity. The Šūfis, however, interpreted them allegorically.

6. Ismā'īl al-Kurdī, a proficient religious scholar and jurist who served as head of the 'Adiliyya Šūfī order in Cairo, was declared guilty of heresy in 720/1320 by the chief judges of the four schools of law and publicly executed

11 He also appears under the name of al-Bājurbaqī, see al-Šafadī, *A'yān*, vol. 4, p. 505.

12 al-Šafadī, *A'yān*, vol. 4, pp. 505, 506f.; Ibn Kathīr, *Bidāya*, vol. 14, pp. 41f.; Ibn Ḥajar, *Durar*, vol. 5, p. 159.

13 For detailed discussion of this issue and relevant legal sources see Fierro, "Accusations," pp. 251f.; Rapoport, "Legal Diversity," pp. 219f., 225.

14 Ibn Kathīr, *Bidāya*, vol. 14, p. 74.

in Bayn al-Qaṣrayn, below the window of the al-Ṣālihiyya *madrasa*,¹⁵ the customary venue for *takfīr* judicial hearings.¹⁶

7. Nāṣir b. Abī l-Faḍl Ibn al-Hītī was a normative Qurʾān and *ḥadīth* reciter until he became a follower of the abovementioned al-Bājūrīqī and became an extremist Ṣūfī. In 726/1325 he was arrested in Aleppo for ecstatic utterances and brought to trial in Damascus. When Ibn al-Hītī refused to repent, the Mālikī chief judge sentenced him to death.¹⁷

8. In 732/1331, a member of the *ḥalqa* corps in Damascus, who was probably of Mamlūk descent, was accused of defamation of the Prophet. He was summoned before the court of the chief *qāḍī*, Sharaf al-Dīn al-Mālikī. He denied the accusations and charged the accusers who had testified against him of harboring longstanding animosity against him. The case concluded with the aforementioned confined in the Sharʿ prison.¹⁸

9. ʿUthmān al-Dakkākī,¹⁹ a Ṣūfī from al-Khānqāh al-Shamīsāṭiyya, was brought to trial in Dār al-ʿAdl, located in the Dār al-Saʿāda, in Damascus in 741/1340. He was accused of ecstatic utterances proclaiming his union with God (*ittiḥādīyya*) that “surpassed those uttered by al-Ḥallāj.”²⁰ Three chief *qāḍīs*—Ḥanafī, Ḥanbalī, and Mālikī—presided over this trial, and respected Ṣūfī *shaykhs* and jurists were among the witnesses who testified against al-Dakkākī. The Mamlūk amirs took part in the second hearing. The Mālikī chief *qāḍī*, who was approached first by the accusers, sentenced al-Dakkākī to death and rejected his legal right to recant,²¹ whereas the *nāʾib* of Damascus and the Shāfiʿī chief judge held a different opinion.²² This trial and other similar cases are indicative of the tensions that prevailed between the Mamlūks and the traditionalist religious scholars. While the Mamlūks cultivated Ṣūfism and had great veneration for Ṣūfī leaders during their life and after their death, the traditionalist scholars had strong reservations concerning Ṣūfī popular cults and some forms of belief that were interpreted as a negation of the oneness and unity of God.²³

15 The Ṣālihiyya *madrasa* was built by al-Ṣālih Ayyūb (r. 637/1239–647/1249).

16 al-Maqrīzī, *Sulūk*, vol. 2, pp. 212f.

17 Ibn Ḥajar, *Durar*, vol. 5, pp. 159f.

18 See on this case Petry, *Criminal Underworld*, pp. 166f.

19 Also appears as ʿUthmān b. ʿAbd Allāh: Ibn Ḥajar, *Durar*, vol. 3, p. 56.

20 Ibn Kathīr, *Bidāya*, vol. 14, pp. 189f.

21 Ibn Kathīr, *Bidāya*, vol. 14, pp. 189f.

22 Ibn Ḥajar, *Durar*, vol. 3, p. 56.

23 For an example of the preferred Ṣūfism that combines moderate Ṣūfism with the Sunna, see Ibn Kathīr, *Bidāya*, vol. 14, p. 271. On the strong reservations of traditionalist scholars

10. Hasan al-Sakākīnī, a staunch Shī'ī Rāfiḍī (*Rāfiḍī Jald*),²⁴ was executed in 744/1343 in the Horse Market, or Sūq al-Khayl, in Damascus, for obstinately refuting the apostolates of Muḥammad. It was rumored that he even wanted to kill his father for repenting and returning to Sunnī Islam.²⁵

11. In 747/1346 a girl was convicted in Aleppo of *kufī*, for uttering words of impiety. She was displayed in public after her face was severely mutilated. The girl, whose only goal was to have her marriage revoked to a husband she detested, had no intention of breaking the law and was unaware of the meaning of her utterances. Indeed, the sources reveal that the public was extremely dissatisfied with the *qāḍī*'s sentence.²⁶

12. In the same year, 747/1346, an investigation was held in 'Uthmān's Tomb, in Damascus, concerning the heresy of Nūr al-Dīn al-Khurāsānī. He was accused of deviation from the *ḥadīth* text while teaching the prayer and ablution rules to attendants in the Tankiz Mosque. It was decided to spare his life but to punish him in public; after he was paraded through the streets of Damascus, he was reimprisoned. The sources do not specify how long he stayed in jail.²⁷

13. 'Īsā b. Mūsā, known as Ibn al-Zibitī, a Christian functionary in Homs, was accused in 751/1350 of reviling the Prophet. After escaping from his trial in Homs, he was sent to Qārā, to be put on trial there on new evidence against him. To avoid being tried, he converted to Islam and asked to be declared a Muslim, a request that was denied. He was brought to Damascus, where the Shāfi'ī *qāḍī* Taqī al-Dīn al-Subkī referred his case to the Ḥanbalī *qāḍī* Jamāl al-Dīn al-Mardāwī, who sentenced him to death. His execution took place in the Horse Market in the presence of the four chief *qāḍīs*.²⁸

concerning Ṣūfī beliefs that were interpreted as a negation of the oneness and unity of God, see Holtzman, "*Tashbih*, *Ḥashwīyya*, and *Takfīr*".

24 Rāfiḍī Shī'a believed that 'Alī was the most worthy and legitimate successor to the Prophet. Therefore they condemned the Righteous Caliphs—Abū Bakr, 'Umar, and 'Uthmān—as hypocrites and usurpers. They believed that the caliphate could descend only through 'Alī's family. By the third/ninth century, Shī'ī concepts of the *imām* came to include the notion that he was *ma'ṣūm*, a sinless and infallible guide to religious truth. In Shī'ī extremists' view, the *imām* was vested with an indwelling spirit of God, and the chosen messiah, the *mahdī*, would restore the true faith of Islam and establish the just kingdom of God. Lapidus, *A History of Islamic Societies*, pp. 115f.

25 Ibn Kathīr, *Bidāya*, vol. 14, pp. 189f.

26 Ibn al-Wardī, *Tatimmat al-Mukhtaṣar*, vol. 2, pp. 489f. On this case, see also the contribution by Sonja Brentjes in this volume.

27 Ibn Kathīr, *Bidāya*, vol. 14, p. 252.

28 al-Ṣafadī, *A'yān*, vol. 3, pp. 728f.

14. ‘Alī b. Abī l-Faḍl Ibn Kathīr, a staunch Shī‘ī Rāfiḍī, was executed in Damascus in 755/1354 for *zandaqa*, for reviling the Prophet’s Companions (*al-Ṣaḥāba*) in public in the Umayyad Mosque. Although *qāḍī*s from all four schools of law presided over the proceedings, it was the Mālikī judge who sentenced him to death.²⁹

15. A Shī‘ī Rāfiḍī, ‘Uthmān b. Muḥammad al-Daqqāq, known as Ibn Dabādib, was convicted by the Mālikī *qāḍī* of heresy, in Damascus, in 761/1359. Strong evidence was cited concerning his reviling of the Prophet, although he showed faint-heartedness and did not admit his guilt.³⁰

16. Muḥammad, called al-Zabbāla, was another Shī‘ī Rāfiḍī who was accused of blasphemy against the Prophet and his Companions. He was executed in the Horse Market, together with the above-mentioned Ibn Dabādib.³¹

17. Ḥasan Ibn al-Khayyāṭ al-Shāghūrī, an old Ṣūfī *shaykh* from the neighborhood al-Shāghūr (in the old walled city of Damascus) was tried in 762/1360 for declaring his belief in Pharaoh. He was released by the Mālikī judge who presided over the hearing for showing repentance after being tortured in jail.³²

18. Aḥmad b. Maḥmūd Ibn Ṣadaqa al-Ḥalabī was a gifted Ṣūfī poet and writer of belles lettres from Aleppo. He was convicted in his hometown in 767/1365 of *zandaqa* and Rāwandīyya unorthodox critical ideas³³ by the Mālikī *qāḍī* Ṣadr al-Dīn Aḥmad b. al-Damīrī. Ibn Ṣadaqa, in keeping with his views, led a hedonistic lifestyle and even joined the army.³⁴

29 Ibn Kathīr, *Bidāya*, vol. 14, p. 250.

30 Ibn Kathīr, *Bidāya*, vol. 14, p. 273.

31 Ibn Kathīr, *Bidāya*, vol. 14, p. 273.

32 Ibn Kathīr, *Bidāya*, vol. 14, pp. 275f.

33 Aḥmad b. Yaḥyā b. Ishāq al-Rāwandī (d. ca. 245/910) was an early Islamic theologian. His name has been variously spelled Ibn al-Rāwandī, al-Rāwandī, and al-Rīwandī, and there are several opinions as to the date of his death. He belonged first to the Mu‘tazila school, then he attacked it—mainly some of its tenets about cosmology—and formed close relationships with Shī‘īs and non-Muslims, including Jews, Manicheans, and probably Christians. He criticized the revealed religions and expressed unorthodox ideas that earned him a place in the Muslim heresiographical literature. Most modern scholars assume that al-Rāwandī was a heretic but they differ as to the nature of his heresy. While Sarah Stroumsa (*Freethinkers*, pp. 37f.) regards al-Rāwandī as a freethinker who was critical of religion in general, Joseph van Ess (*Theologie und Gesellschaft*, vol. 4, pp. 335f., 344f.) thinks that he was not an atheist but was instead critical of theologians who based their doctrines on shaky grounds. Ulrich Rudolph (*Al-Māturīdī*, pp. 176f.) believes that al-Rāwandī’s heretical reputation was the result of an inner conflict within the Mu‘tazili circle of Baghdad. In Samarkand, however, al-Rāwandī was perceived as a defender of Islam.

34 Ibn Kathīr, *Bidāya*, vol. 14, p. 275; Ibn Ḥajar, *Durar*, vol. 1, pp. 335f.

19. Maḥmūd b. Ibrāhīm al-Shīrāzī served as a normative Qurʾān reciter in the Abū ʿUmar College in Damascus before he publicly espoused his radical Rāfiḍī Shīʿī beliefs in 768/1366, for which he was imprisoned by the Ḥanbalī *qāḍī* for forty days. When he went so far as to blaspheme the Prophet's Companions ʿUmar and Abū Bakr, in the Umayyad Mosque, he was brought to the Mālikī *qāḍī* Jamāl al-Dīn al-Maslātī for trial.³⁵ Of interest is the participation of the common people in this *takfīr* case, which, in spite of its legalistic structure, turned into a form of public entertainment. For instance, when the accused refused the judge's call to repent, he was flogged in front of the commoners and his persistent refusal to repent incited them to take the law into their own hands. The Mālikī judge intervened only when the accused almost died at the hands of the mob. This scenario suggests that a judge normally had guards and a flogger (*ḍarrāb*) at his disposal to punish people on the spot and also for crowd control.³⁶ Another detail of interest in this case is the political involvement of the Mamlūk governor of Damascus in the execution ceremony. It was only after the governor had seen the accused and confirmed his heresy that the Mālikī *qāḍī* sentenced al-Shīrāzī to death.³⁷ The evidence that commoners also took part in the aftermath of the trial by burning the body after the execution suggests that *takfīr* trials were used as an effective instrument to include the population at large in reinforcing the normative religious order.

20. Buʿāda al-Qibtī, a functionary of Coptic origin who served in the Egyptian financial administration, was accused in Cairo in 773/1371 of persistently neglecting religious obligations. One of the Mālikī judges sentenced him to death in spite of the *fatwā* (pl. *fatāwā*), or legal opinion, handed down by one of the established Mālikī jurists, Yaḥyā b. ʿAbd Allāh al-Rahūnī³⁸ (d. 773/1371), to spare his life.³⁹

21. Muḥammad b. Yūsuf al-Rakrākī (d. 794/1391) was a Maghribī Mālikī jurist and a widely venerated Ṣūfī *shaykh* in Cairo. He inspired dislike in the ʿulamāʾ circles for his arrogance, but at the same time had many followers, mainly from among the Mamlūks, such as the prominent amir Uljāy al-Yūsufi. One of al-Rakrākī's bitter adversaries was Burhān al-Dīn al-Ikhnāʿī, who maneuvered successfully to take over his teaching position. The latter and many of his supporters filed reports against al-Rakrākī in 773/1371, stating he was involved in sorcery. Al-Rakrākī was released after proclaiming his repentance in court,

35 Ibn Kathīr, *Bidāya*, vol. 14, p. 310.

36 Ibn Kathīr, *Bidāya*, vol. 14, p. 310. See also al-Maqrīzī, *Sulūk*, vol. 3, p. 373.

37 Ibn Kathīr, *Bidāya*, vol. 14, p. 310.

38 He appears as al-Dahūnī in Ibn Ḥajar, *Durar*, vol. 5, p. 196.

39 Ibn Ḥajar, *Inbāʾ*, vol. 1, pp. 9f.

in compliance with the judge's order. On his mentor's advice, he left Cairo and came back only after the death of al-Ikhnā'ī and many of his supporters. After al-Zāhir Barqūq's return to rule in 791/1390, al-Rakrākī became one of his close associates and was appointed Mālikī chief judge (see case no. 34).⁴⁰

22. Ibn Suwaydāt, a resident of the northern quarter of al-Ḥusayniyya, in Cairo, was tried and executed in 774/1372 for violating the *sharī'a*. The above-mentioned Mālikī jurist Burān al-Dīn al-Ikhnā'ī presided over the proceedings.⁴¹

23. Muḥammad, known as al-Maqārī'ī, was an unschooled Ṣūfī poet who regularly performed for the common people in Damascus at entertainment venues. Ḥanbalī adherents of Ibn Taymiyya protested against him in 776/1374 and sent a report to the *qāḍī* Ṣadr al-Dīn Ibn al-'Izz, a Ḥanafī judge, detailing his sins, which allegedly included *zandaqa*—as evidenced by ecstatic utterances proclaiming union with God, and vilifying the Qur'ān, the *sharī'a*, and the apostolates of Muḥammad—and calling for a death sentence. The defendant appealed to have his case transferred to the Shāfi'ī *qāḍī*, who then acquitted him for lack of evidence, but did not release him from jail until a year later.⁴² It should be noted that individuals accused of heresy naturally tended to request a Shāfi'ī judge to deal with their cases because Shāfi'ī doctrine tended to acquit those who proclaimed repentance and faith in Islam.⁴³

24. Ibn Ḥurays al-Karakī, the city leader of Karak, was known as a Rāfiḍī Shī'ī. In 781/1379, eyewitness testimony accusing him of *zandaqa*—namely, cursing and abusing the Prophet's Companions—was handed over to the Mālikī *qāḍī*. The *qāḍī* had some hesitation over this case and it was transferred to the Ḥanbalī *qāḍī*, who sentenced Ibn Ḥurays to death. His execution took place at the foot of the citadel, in the presence of the city's governor (a Mamlūk amir) and the judges.⁴⁴

25. In 781/1379, a group of converts, men and women, came to Cairo to deliberately disavow their conversion to Islam, seeking salvation after death. After they had adamantly refused Islam, the men in the group were executed publicly in the Bayn al-Qaṣrayn street, below the window of the Ṣāliḥiyya *madrasa*. The women, however, were given a second chance to repent and state their faith in Islam, but they professed their desire to attain martyrdom. The Mālikī *qāḍī* then ordered their execution at the foot of the Citadel, an act that aroused

40 Ibn Ḥajar, *Raf'*, p. 431; idem, *Inbā'*, vol. 1, p. 9; al-Maqrīzī, *Mawā'iz*, vol. 2, p. 433; idem, *Sulūk*, vol. 3, p. 777.

41 Ibn Ḥajar, *Inbā'*, vol. 1, p. 36.

42 Ibn Qāḍī Shuhba, *Ta'rikh*, vol. 3, p. 448.

43 Rapoport, "Legal Diversity," p. 225.

44 Ibn Qāḍī Shuhba, *Ta'rikh*, vol. 3, p. 10.

the jurists' criticism. This criticism, together with the different location for the execution, indicates that proceedings against heretic women were unusual.⁴⁵

26. Witness statements were presented in 782/1380 to the Mālikī *qāḍī* in Damascus claiming that a Christian convert who had married a Muslim woman who bore him children had committed heresy. The Mālikī *qāḍī* released the defendant upon his denial of the testimony. The records were then submitted to one of the Mālikī deputies, who detained him and demanded a declaration of his faith in Islam. The accused appealed to the Mālikī judge, who then released him and reprimanded his deputy for handing down a sentence without consulting him first. When the deputy resigned in protest and the case reached the Grand Amir Barqūq (r. 784–801/1381–1399), the future founder of the Circassian sultanate, he convened a hearing in Cairo, to which the Mālikī deputy was summoned. Coincidentally or not, the Shāfiʿī chief judge of Damascus was at the time in Cairo. He was asked to attend the hearing, together with the *qāḍī* who had preceded him, Kamāl al-Dīn al-Maʿarrī. The convert was brought to Cairo and a Ḥanbalī judge was authorized to deal with his case. The Ḥanbalī judge released the convert after he proclaimed his belief in Islam.⁴⁶

27. In 784/1382, a scholarly debate (about the Prophet's burial place) between Sirāj al-Dīn ʿUmar al-Bulqīnī (d. 844/1440), the Grand Muftī (*Shaykh al-Islām*), and Badr al-Dīn (or Zayn al-Dīn) Ibn Ṣāḥib stirred up a heated discussion in the learned circles of Cairo. Al-Bulqīnī and those who sided with him appealed to the Mālikī *qāḍī* ʿAbd al-Raḥmān Ibn Khayr, accusing Ibn Ṣāḥib of unbelief (*kufṛ*). Those who sided with Ibn Ṣāḥib implored Akmal al-Dīn (a Ḥanafī *qāḍī*?) to transfer his case to the Shāfiʿī judge, in order to spare his life.⁴⁷ Al-Maqrīzī claims that al-Bulqīnī fabricated evidence against Ibn Ṣāḥib. Since at least one of the prominent learned scholars of the time was involved in this *takfīr* trial, it turned into a significant event, attended by the four chief *qāḍīs*, venerable religious scholars, jurists, and *muftīs*. As Ibn Ṣāḥib's guilt was not legally proven, one of the *qāḍīs* declared him innocent.⁴⁸ Interestingly, al-Bulqīnī, who enjoyed prestige and fame as a great scholar among the jurists and *ʿulamāʾ* of his age, who had appointed him to the prestigious position of Grand Muftī, resorted to framing the accusations in this dispute in such a way so as to assert his professional authority over Ibn Ṣāḥib and the religious learned circles in general. In medieval Muslim communities, prestige was continuously negotiated, rated,

45 al-Maqrīzī, *Sulūk*, vol. 3, pp. 372f.; Ibn Ḥajar, *Inbāʾ*, vol. 1, p. 197.

46 Ibn Ḥajar, *Inbāʾ*, vol. 2, pp. 17f.

47 Ibn Ḥajar, *Inbāʾ*, vol. 2, p. 102.

48 al-Ṣayrafi, *Nuzhat al-Nufūs*, vol. 1, p. 52; al-Maqrīzī, *Sulūk*, vol. 3, p. 481; Ibn Ḥajar, *Inbāʾ*, vol. 2, p. 102.

and reevaluated.⁴⁹ Having the upper hand in a dispute was therefore a requirement for social survival for al-Bulqīnī, since it reaffirmed his academic and professional authority.

28. In 785/1383, the Mālikī *qāḍī* in Cairo convicted of heresy two Christian converts who declared their apostasy from Islam.⁵⁰ Cases of apostasy (*ridḍa ʿan al-Islām*) of Christian converts during the 1380's (see also cases no. 25, 29, 30) were probably spurred by the Mamluk political weakness that accompanied the transition from Turkish to Circassian rule in the sultanate and the growing success of the Franks' attacks on Egyptian and Syrian ports, on the other hand.⁵¹

29. In 785/1383, the Mālikī *qāḍī* in Cairo sentenced to death another Christian convert for renouncing his faith in Islam.⁵²

30. In 785/1383, six Coptic converts from the village of Barmā, in the district of al-Gharbiyya, were found guilty of *zandaqa* and sentenced to death by the Mālikī chief judge in Cairo. The sequence of events in this case was that the Barmā converts attacked the muezzin and silenced him while he was calling the evening glorification of God, because he was disturbing a marriage celebration nearby. The mosque's *imām* and preacher organized a group of Muslim villagers to plead with the sultan's vicegerent in Cairo. The latter directed them to the amir Jarkas al-Khalīlī, one of Sultan Barqūq's stalwart supporters, since the village of Barmā was included in his *iqṭāʿ*. He refused their request to punish the Coptic converts and detained a number of the Muslim villagers. Under pressure from the abovementioned Shāfiʿī *qāḍī* al-Bulqīnī, who also recruited the support of the venerable Šūfī *shaykh* Muḥammad al-Maylaq, the villagers were released. Complaints also reached the sultan, who dispatched Aydakār, the *ḥājib* (the amir in charge of the administration of justice in the Mamlūk army), to Barmā to investigate the case. Evidence of the Coptic converts' misconduct was found; records were sent to the sultan, who submitted them to the Mālikī *qāḍī*, who, in turn, found them guilty of vilifying Islam and sentenced them to death. It is striking that the amir Sūdun, the sultan's vicegerent, and the four chief *qāḍīs* witnessed the public execution from the window of the

49 Chamberlain, *Knowledge and Social Practice*, pp. 157f.

50 Ibn Qāḍī Shuhba, *Taʾrīkh*, vol. 1, p. 109; al-Maqrīzī, *Sulūk*, vol. 3, p. 488; al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 1, p. 63.

51 al-Maqrīzī, *Sulūk*, vol. 3, pp. 487f., 490, 498, 499, 500.

52 al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 1, p. 64.

Şāliḥiyya *madrassa*, the formal site for public execution. The convicted men, however, were buried as Muslims in an Islamic ritual.⁵³

This case testifies to the way in which the center controlled authority and power in Egyptian rural areas. In addition to his formal administrative authority over his *iqṭāʿ*, the Mamlūk *muqṭaʿ* had the power of patronage over the villagers in his *iqṭāʿ*. The combination of formal and informal power provided the Mamlūk *muqṭaʿ* with the authority to deal with disputes and problems related to everyday life of the villagers in his *iqṭāʿ*, beyond issues related to fiscal *iqṭāʿ* management. Thus, the Coptic converts felt secure enough under the strong Mamlūk *muqṭaʿ* to continue their pre-conversion lifestyle and even to interfere with public Muslim rites. Religious functionaries such as the *imām*, the preacher, and the muezzin of the village mosque had to formally direct their grievances, even in matters that touched upon belief, to the sultan vicegerent (*nāʾib al-salṭana*) and then to the *muqṭaʿ*, i.e., the Mamlūk amirs. The jurists, on the other hand, had to manipulate the mediation and moral religious authority of established Şūfis in order to overcome the strong *muqṭaʿ* authority in the countryside, to exert pressure on the sultan to try the accused.

31. In 786/1384 Muḥammad Ibn al-Makkī, an Iraqi religious scholar who settled in Jizzīn, in Syria, and was known as Rāfiḍī from the Nuṣayriyya, was reported to the *qāḍī* in Beirut as having denied the apostolate of Muḥammad and slandered the early Righteous Caliphs, Abū Bakr and ʿUmar. He spent some time in the *qāḍī*'s jail before he was brought before the Mālīkī *qāḍī* and a large panel of *ʿulamāʾ* and jurists in Dār al-Saʿāda, in Damascus. Because al-Makkī was proficient in jurisprudence, he defended himself, denying the allegations against him. The Mālīkī *qāḍī* hesitated in convicting him, but the interrogators made efforts to sway Ibn al-Makkī to admit his guilt, arguing that such an admission would be for his own benefit. Upon al-Makkī's admission of his sin, the Mālīkī judge was asked to issue a death sentence; he refused to do so, unless he received formal legal opinions concerning the presumed heresy. Some Ḥanafī jurists and a Shāfiʿī supplied the required *fatāwā*. When al-Makkī realized the direction his trial was headed, he expressed repentance, but to no avail. The Mālīkī judge, having no other choice but to convict al-Makkī of *zandaqa* and sentence him to death, required that certain conditions be met before handing down the sentence: that no ruling declaring that al-Makkī was a Muslim had been issued, that the Ḥanbalī judge should hand down a

53 Ibn Qāḍī Shuhba, *Taʾrīkh*, vol. 3, pp. 108f.; al-Maqrīzī, *Sulūk*, vol. 3, pp. 492f.; Ibn Ḥajar, *Imbāʾ*, vol. 2, pp. 126f.; al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 1, p. 69; Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 2, p. 203. For another case of disavowing previous conversion, see al-Maqrīzī, *Sulūk*, vol. 4, p. 884.

joint ruling with him, and that all the chief *qāḍīs* would carry out the sentence. Al-Makkī was then sentenced to death and executed in the presence of the two *qāḍīs*, the Mālikī and the Ḥanbalī.⁵⁴ This case illustrates how contested *takfīr* trials could build up or destroy the careers of the jurists authorized to deal with them. As mentioned earlier, these trials provided an opportunity for the promotion of middle-ranking jurists or for challenging, reevaluating, and renegotiating the status of well-established individuals. This accounts for the presence of more than one judge in trials of this kind, although normally only one was authorized to hand down a ruling. This challenging atmosphere for the jurists might explain the Mālikī judge's hesitation to make a ruling in this case, his request for *fatwās*, and his insistence on a joint decision with the Ḥanbalī *qāḍī*. He might have been motivated by the dismissal of 'Abd al-Raḥmān Ibn Khayr, the Mālikī *qāḍī l-quḍāt* in Cairo, who was found in the same year to have handed down a decision that did not tally with his own school of law, a mistake that was severely criticized by his peers. He was dismissed when the case was brought to the sultan's attention.⁵⁵

32. 'Abd Allāh, known as Mikhā'il al-Zāhirī, who converted to Islam a few months before he was appointed to the position of inspector (*nāẓir*) of Alexandria, was accused in 789/1387 of *zandaqa*. The people of Alexandria spent large amounts of money to bring about his arrest. When the local *qāḍī* eventually agreed to deal with the case, written records and forty-seven witnesses were brought to court to prove his heresy. The sultan was informed of the case and the man was executed, only after the court received official permission.⁵⁶

33. On 1 Rajab 791/6 June 1389, jurists and judges convened in the al-Šālīhiyya *madrassa* to deal with the *takfīr* case of Ibn Sab', a Bedouin leader from Zifta, a town in the Egyptian Gharbiyya district. Ibn Sab's accusers submitted documents testifying to his heresy. They made efforts to file the complaint with the Mālikī *qāḍī l-quḍāt*, Ibn Khayr. Ibn Sab', however, invested a huge sum of money to direct his case to the Shāfi'ī *qāḍīs*, in the hope of saving his life.⁵⁷ Yalbughā al-Nāṣirī (d. 792/1389), who served as the Mamlūk Grand Amir and the regent for the sultan al-Manṣūr Ḥajjī (r. 783–4/1381–2; 791–2/1389–90), was also involved in Ibn Sab's case. Aḥmad b. 'Alī Ibn Ḥajar al-'Asqalānī (d. 852/1448) relates that Ibn Sab' had already given bribes amounting to four

54 Ibn Qāḍī Shuhba, *Ta'rikh*, vol. 3, pp. 134f.; Ibn Ḥajar, *Inbā'*, vol. 2, p. 181; Ibn Shāhin al-Zāhirī, *Nayl*, vol. 2, p. 223.

55 al-Šayrafi, *Nuzhat al-nufūs*, vol. 1, p. 97.

56 Ibn Qāḍī Shuhba, *Ta'rikh*, vol. 3, p. 215; al-Šayrafi, *Nuzhat al-nufūs*, vol. 1, pp. 150, 152.

57 al-Maqrīzī, *Sulūk*, vol. 3, p. 636.

hundred thousand *dirhams* in order to evade similar complaints filed against him earlier.⁵⁸ Ibn Ḥajar mentions that protégés of Yalbughā al-Nāṣirī, namely Karīm al-Dīn Ibn Makānis, the head of his *dīwān*, the notary (*shāhid*) Muḥibb al-Dīn Ibn Imām, and members of his *khāṣṣakīyya* (Mamlūk personal guard), had acted to protect Ibn Sabʿ from his persecutors in both cases.⁵⁹ The historian ʿAlī b. Dāwūd al-Ṣayrafī (d. 900/1495) mentions that Ibn Sabʿ was also the protégé of the Mamlūk amir Qurqamās al-Ustadār (the majordomo).⁶⁰

During the second hearing of Ibn Sabʿ’ s trial, in 791/1389, which was held under the secular auspices of Mamlūk rule in the al-Iṣṭabl al-Sulṭānī in the Citadel, none of the chief judges complied with Yalbughā al-Nāṣirī’s request to issue a verdict confirming Ibn Sabʿ’ s belief in Islam and spare his life solely for procedural reasons; they hesitated to contradict an existing capital sentence against Ibn Sabʿ that had been hastily issued by the Mālikī judge.⁶¹ This disagreement among the jurists, however, led the famous Mālikī jurist and historian ʿAbd al-Raḥmān Ibn Khaldūn (d. 809/1406) to suggest that Yalbughā al-Nāṣirī would hand down the ruling in this case because he was “the real decision maker” in the sultanate.⁶² Thus, Yalbughā al-Nāṣirī decided to release Ibn Sabʿ, implying that he was a normative Muslim.

34. In 793/1391, after Barqūq had regained power, he arranged for the Mamlūk amir Alṭunbughā, Jantmur’s erstwhile Ink Bearer (*dawādār*) and one of Barqūq’s opponents, to be convicted on charges of *zandaqa* for leading an overt rebellion against the ruling sultan.⁶³ It is unclear why Barqūq used *taḳfīr* trials to eliminate political rivals. Probably he wanted to get rid of his enemies without getting blood on his hands, so as to prevent factional struggles in an already tense atmosphere after the civil war. It is more likely, however, that Barqūq wanted to ridicule the jurists by forcing them to issue a purely politically motivated death sentence, much like the *fatāwā*, or legal opinions, they had issued during the civil war declaring his own *kufr*. For the sake of clarity, it should be mentioned that in 791/1389, when al-Ẓāhir Barqūq began to turn the tide in his struggle in Syria to regain rule, the dissident amirs in Egypt were troubled and sought to weaken his position by declaring him a *kāfir*. Under pressure, all the prominent jurists in Egypt of the time, except al-Rakrākī, who was arrested and beaten for his refusal to comply (see case no. 21), issued *fatwās*

58 Ibn Ḥajar, *Inbāʿ*, vol. 2, p. 329.

59 Ibn Ḥajar, *Inbāʿ*, vol. 2, p. 329.

60 al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 1, p. 301.

61 Ibn Ḥajar, *Inbāʿ*, vol. 2, p. 330.

62 al-Maqrīzī, *Sulūk*, vol. 3, p. 637; Ibn Ḥajar, *Inbāʿ*, vol. 2, p. 329.

63 al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 1, p. 329.

confirming Barqūq's heresy. Obviously, these *fatwās* did not have any practical effect on the Mamlūk factional struggles over rule, but they did affect relations between Barqūq and the jurists after his return to power.⁶⁴

Since Barqūq was interested in eliminating Alṭunbughā, he authorized the Mālikī *qāḍī l-quḍāt* to deal with the case. Given the high profile of the accused, the Mālikī chief judge convicted him in the presence of the other three chief *qāḍīs* and the *ḥājib al-ḥujjāb*. The venue of this trial had much in common with other *takfīr* cases, such as in its elements of public show. The chief judges and the *ḥājib al-ḥujjāb* convened in the Mālikī hall (*dīwān*) of the al-Šāliḥiyya *madrasa*, while the accused was led into the street below the *madrasa* window, surrounded by crowds of commoners. Testimony against Alṭunbughā was verified again by the Mālikī chief judge, who presided over the sentencing from the al-Šāliḥiyya window. Alṭunbughā was executed on the spot. His severed head, together with Alṭunbughā al-Ḥalabī's (see the following case), were carried on spears through the streets of Cairo.⁶⁵

35. The amir Alṭunbughā al-Ḥalabī was accused and executed in the same way as and right after Alṭunbughā, Jantmur's Ink Bearer.⁶⁶

36. A scholarly dispute between Ya'qūb b. Jalāl al-Dīn al-Tubbānī and Muṣṭafā b. Zakariyā b. Aytughmush al-Qirmānī (d. 809/1406), the Anatolian Ḥanafī jurist and head of the *madrasa* al-Qumāriyya (or al-Fukhāriyya) in Cairo, was rekindled in 797/1395 by a personal rivalry over political appointments and led to a *takfīr* case in which the sultan Barqūq was asked to intervene. Al-Tubbānī accused al-Qirmānī of *kufṛ* for a commentary he had written in his exegesis of *Muqaddimat Abī l-Layth*,⁶⁷ casting suspicion on al-Khalīl's (the biblical Abraham's) monotheism, and al-Tubbānī asked the sultan to hold a trial to deal with the case. The hearing was held in the Citadel in the presence of Sharaf al-Dīn al-Bulqīnī, the Grand Muftī, along with other judges and *ʿulamāʾ*. When the sultan asked the *qāḍīs* for their formal opinion on the case, loud pros and cons were heard, and Aḥmad Ibn al-Tinnisī, the Mālikī *qāḍī l-quḍāt*, proclaimed that had the sultan authorized him to preside over the trial, he would have sentenced al-Qirmānī to death. However, most of the Mamlūk amirs asked the Sultan to appoint the Ḥanafī *qāḍī*, a request that was

64 al-Maqrīzī, *Sulūk*, vol. 3, pp. 673, 675.

65 al-Šayrafī, *Nuzhat al-nufūs*, vol. 1, p. 329.

66 al-Šayrafī, *Nuzhat al-nufūs*, vol. 1, p. 329.

67 Abū l-Layth al-Samarqandī, Naṣr b. Muḥammad b. Aḥmad b. Ibrāhīm b. al-Khaṭṭāb, known as Imām al-Hudā (d. 373/983), was a jurist and ascetic from Transoxania, who wrote a catechism of the Ḥanafī school of jurisprudence in Sunnī Islam entitled *Muqaddimat Abū l-Layth*. See Rudolph, *al-Māturīdī*, passim.

willingly accepted; the Ḥanafī *qāḍī l-quḍāt*, Jamāl al-Dīn Maḥmūd al-ʿAjamī, who was also a newcomer from Anatolia and a close associate of Barqūq, was authorized to deal with the case. Al-ʿAjamī confirmed al-Qirmānī's faith in Islam and released him after three days' imprisonment.⁶⁸

37. Burhān al-Dīn Ibrāhīm Ibn Burnīyya, a Coptic convert who served as the financier (*mustawfī*) of al-Bīmāristān al-Manṣūrī,⁶⁹ was accused in 801/1399 in Cairo for resolutely renouncing Islam. He was executed at the Citadel gate in the presence of Shāhīn al-Ḥasanī, a member of the sultan's *khāṣṣkiyya*, or personal guard.⁷⁰

38. In 815/1412, the insurgent amirs from Egypt and Syria announced their unanimous decision to replace the reigning sultan, al-Nāṣir Faraj (d. 815/1412), Barqūq's son, with the ʿAbbāsīd caliph Muḥammad b. al-Mutawakkil (r. 808/1405–816/1413). The amirs reinforced their political decision through the chief judges' prearranged conviction confirming Faraj's sinful conduct (*fiṣq*) and blasphemy (*kufr*).⁷¹

39. In 819/1416, word reached the sultan al-Muʿyyad Shaykh (r. 815/1412–824/1421) that there was in Cairo a foreigner (probably a Šūfī) who claimed to have daily meetings in heaven with God, who authorized him to govern the universe, and that many people had become his followers. The sultan ordered the four chief judges to hold an investigatory hearing in the al-Šālīhiyya *madrasa* to determine whether there were grounds for convicting the suspect of heresy. The Mālikī *qāḍī* was of the opinion that he should be convicted and executed, whereas the others accepted the physicians' expert opinion that he was mentally ill. He was then hospitalized in an asylum.⁷²

40. In 832/1429, Nūr al-Dīn ʿAlī b. al-Kh^wāja, a merchant and diplomat from Tabriz, was accused of polytheism (*yalʿab bi-l-dīnayn*)⁷³ and betraying Islam by supplying weapons to its enemies. He was arrested in Cairo, allegedly carrying a message from Abyssinia to the Franks. The sultan al-Ashraf Barsbāy (r. 825/1422–842/1438) convened the chief judges and authorized the Mālikī

68 Ibn Ḥajar al-ʿAsqalānī, *Inbāʿ*, vol. 1, p. 488 (see also Hyderabad edition: vol. 3, pp. 241f.); al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 1, p. 401; Ibn Qāḍī Shuhba, *Taʾrīkh*, vol. 3, pp. 541f.; al-Maqrīzī, *Sulūk*, vol. 3, pp. 827; Ibn Shāhīn al-Ẓāhirī, *Nayl*, vol. 2, p. 354.

69 The *bīmāristān* was founded in 684–85/1284–85 by the sultan al-Manṣūr Qalāwūn (r. 678/1279–689/1290). On the establishment of al-Bīmāristān al-Manṣūrī and its *waqf*, see Northrup, *From Slave to Sultan*, pp. 119–25.

70 al-Maqrīzī, *Sulūk*, vol. 3, p. 917; Ibn Iyās, *Badāʾiʿ*, vol. 1/2, pp. 510f.

71 al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 2, p. 308. For a similar case in 781/1380, see al-Maqrīzī, *Sulūk*, vol. 3, p. 368.

72 Ibn Iyās, *Badāʾiʿ*, vol. 2, pp. 28f.

73 al-Maqrīzī, *Sulūk*, vol. 4, p. 797.

qāḍī, Muḥammad al-Bisāṭī to deal with the case. After the testimony against the accused was verified, he was executed publicly in the street below the al-Ṣāliḥiyya *madrasa* window.⁷⁴

41. In 842/1438, the sultan Jaqmaq (r. 842/1438–857/1453) used *takfīr* allegations in an attempt to get rid of the Ṣūfī *shaykh* Ḥasan al-ʿAjamī al-Tatarī, one of the close associates of the deceased sultan al-Ashraf Barsbāy, and lay his hands on the rich *waqf* of his *qubba* (Ṣūfī convent). Many officials in whom al-ʿAjamī had inspired hatred during Barsbāy's reign were happy now to collaborate with Jaqmaq. After arresting him, Jaqmaq handed the Mālikī *qāḍī* sufficient testimony to convict him. He was accused of reading the writings of unbelievers and vilifying the Arabs, the Prophet's people. When the allegations against al-ʿAjamī were not confirmed, the sultan resorted to exiling him to Qūṣ, a city located in Upper Egypt on the east bank of the Nile, after confiscating his *waqf* property.⁷⁵

42. Qurqamās al-Shaʿbānī, one of the stalwarts of Barsbāy's rule, was accused in 842/1438 of rebelling against the sultan Jaqmaq and waging war against Allāh and his messenger by causing the bloodshed of Muslims. Executing him, the sultan argued through his agent, was in the public interest because leaving him in jail might entail further unrest. The hearing was held in the palace in the Citadel in the presence of the sultan, the chief *qāḍīs*, amirs, and other officeholders. The Mālikī chief judge, Shams al-Dīn al-Bisāṭī, was authorized to preside, while a number of amirs provided testimony of Qurqamās al-Shaʿbānī's crimes. Al-Bisāṭī handed down the death sentence, which met the implicit disapproval of the other chief judges. Qurqamās was executed unprofessionally and painfully in jail in Alexandria.⁷⁶ Al-Maqrīzī criticizes the inhumane and disgraceful execution of a distinguished amir such as Qurqamās and even more he faults the sultan and al-Bisāṭī for giving an unmistakably political elimination the trappings of a normative legal procedure. No doubt, al-Maqrīzī's criticism was motivated by concerns about the damage such cases inflicted on the authority of the religious courts.⁷⁷

43. In Rabīʿ II 842/September 1438, an unemployed Mālikī deputy, ʿIzz al-Dīn al-Bisāṭī, was authorized by al-Zāhir Jaqmaq to preside over proceedings against the amir Yakhshabāy al-Ashrafī, who was falsely accused through

74 al-Maqrīzī, *Sulūk*, vol. 4, p. 797; Ibn Iyās, *Badāʾiʿ*, vol. 2, p. 123.

75 al-Maqrīzī, *Sulūk*, vol. 4, p. 1100; Ibn Iyās, *Badāʾiʿ*, vol. 2, p. 204; al-Aynī, *ʿIqd al-Jumān*, pp. 537f.

76 al-Maqrīzī, *Sulūk*, vol. 4, pp. 1104, 1149f.; al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 4, pp. 56f.; Ibn Ḥajar, *Inbāʾ*, vol. 9, pp. 51–53; Ibn Taghrī Birdī, *Nujūm*, vol. 2, p. 205f.

77 al-Maqrīzī, *Sulūk*, vol. 4, pp. 1104f.; al-Aynī, *ʿIqd al-Jumān*, pp. 539f.

trumped-up testimony of *kufṛ* (in the course of a mission in Upper Egypt during Barsbāy's reign) for slander of the Sharīf⁷⁸ Ḥusām al-Dīn Ibn Ḥurayz, a descendent of the Prophet and the incumbent Mālikī chief judge. Ibn Ḥurayz's personal vendetta tallied with Jaqmaq's plans for political purges against prominent supporters of Barsbāy, his predecessor. When word of the sultan's intentions reached Yakhshabāy, he felt prevention was better than cure and went to the Shāfiʿī chief judge al-Subkī, who acquitted him on the grounds that solid evidence of his guilt was lacking. Consequently, the Mālikī deputy refrained from handing down a death sentence in this case, a decision that led the accusers to argue that their appeal was a new case that had nothing to do with the one submitted to the Shāfiʿī *qāḍī*. When this argument did not prompt ʿIzz al-Dīn al-Bisāṭī to deliver a death sentence, they resorted to requesting a *fatwā* from a Mālikī scholar known for his strict ascetic lifestyle and credibility. Nevertheless, ʿIzz al-Dīn al-Bisāṭī did not dare comply with the accusers' wishes, arguing that the person who issued the *fatwā* should join him in the sentencing as well.⁷⁹ When the sultan lost hope of obtaining a *sharʿī* death sentence for Yakhshabāy, he ordered him to be tortured in jail so as to extract information from him about his alleged hidden fortune.⁸⁰

44. ʿAlī b. Akhī Qutlū Khujā, an immigrant from Crimea, was accused in 844/1440 in Cairo of blasphemy, namely adamantly and publicly vilifying the Prophet, his Companions, and Islam. When ʿAlī's conduct was brought to Jaqmaq's attention, he reprimanded Shihāb al-Dīn b. ʿUbayd Allāh, one of the Ḥanafī deputies, for rescuing ʿAlī from the crowd. After ʿAlī was apprehended by the *ḥājib*, he was brought to the sultan, who ordered the four chief judges to weigh the case. They held an investigatory hearing in the *madrassa* al-Ṣāliḥiyya. When the chief judges decided that the allegations against the accused were well founded, the case was submitted again to the sultan, who ordered the Ḥanafī judge, not the Mālikī, to pursue the trial, but not before he received citations from some Ḥanafī *fiqh* books denying absolution on grounds of heresy. The Ḥanafī *qāḍī*, who then held the trial in his own home, worked on basing his verdict on as many witness statements as he could. The accused was paraded through the streets of Cairo and executed in Rumayla, the center of the Mamlūk city, not below the *madrassa* al-Ṣāliḥiyya.⁸¹

45. In 849/1445, the sultan Jaqmaq discharged Julabān, the governor of Aleppo, and the Ḥanbalī *qāḍī* ʿAlāʾ al-Dīn Ibn Muḥliḥ because they conspired

78 Sharīf is a title reserved for descendents of the Prophet through his grandson Ḥasan.

79 al-Maqrīzī, *Sulūk*, vol. 4, pp. 1143f.

80 al-Ṣayrafī, *Nuzhat al-nufūs*, vol. 4, pp. 108f.

81 Ibn Hajar, *Inbāʾ*, vol. 9, pp. 122–25.

to accuse Shāhīn, the *nā'ib* of the Citadel of Aleppo, who was one of the sultan's veteran followers, of neglecting his religious duties and being involved in an issue that resulted in an accusation of *kufṛ*. Shāhīn did not comply with their demands to attend the inquiry, but rather barricaded himself in the Aleppo citadel and informed the sultan about the scheme to eliminate him. Consequently, both Julabān and 'Alā' al-Dīn Ibn Muflīḥ were ousted from their positions. The sources reveal that in the wake of this event, the sultan considered formally abolishing the post of Ḥanbalī chief judge either in Aleppo or in the sultanate as a whole.⁸²

46. In Rabī' I 849/October 1445, the Turkman governor of Adana, Ibrāhīm Ibn Ramaḍān, was brought to Cairo and put in jail for agitating against Mamlūk suzerainty in the region. Jaqmaq sent the amir Taghrī Birmish al-Faqīh to Aleppo to collect testimony incriminating Ibn Ramaḍān, while he pushed the jurists in Cairo to hold a swift *takfīr* trial. However, the Ḥanafī chief judge, Muḥammad b. Muḥammad al-Dayrī, did not comply with the sultan's request, on the grounds that Ibn Ramaḍān's heresy had not been confirmed—but he did not acquit him either. Ibn Ramaḍān died in jail after a year of imprisonment.⁸³

47. In 852/1448, al-Zāhir Jaqmaq used his agent Aḥmad al-Dumyāṭī al-Khaṭīb, known as al-Madanī, as a proxy to initiate a *takfīr* trial against Maḥmūd b. 'Abd (or 'Ubayd) Allāh al-Ardabīlī al-Shirwānī, a normative Ḥanafī jurist and Ṣūfī who served as a deputy. Al-Madanī found four witnesses to testify against al-Ardabīlī. When the sultan met strong opposition from al-Amīnī and Ibn Ukht al-Muḥibb, two prominent Ḥanafī jurists of the time, he backed down and authorized the Ḥanbalī chief *qāḍī* to pursue the case according to *sharī'a*, in the al-Ṣāliḥiyya *madrasa*. After a short detention, the Ḥanbalī judge asked the sultan to release al-Ardabīlī, arguing that the time he had spent in jail was the appropriate punishment for the sin he had committed.⁸⁴

48. Asad al-Dīn al-Kimyāwī al-'Ajamī al-Sharīf al-Sayyid⁸⁵ was convicted of *kufṛ* and executed in 853/1448 in Cairo. Al-Kimyāwī was received and treated with respect in Jaqmaq's court more for his professed knowledge of chemistry than his descent from the Prophet. After Jaqmaq had spent huge sums of money on al-Kimyāwī's scientific endeavors but with no real benefits, he decided to orchestrate his revenge and eliminate him. When al-Kimyāwī ignored courtiers'

82 Ibn Ḥajar, *Inbā'*, vol. 9, pp. 235f.; Ibn Iyās, *Badā'ī'*, vol. 2, p. 250.

83 Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 5, p. 205; Ibn Iyās, *Badā'ī'*, vol. 4, p. 249; Ibn Ḥajar, *Inbā'*, vol. 9, pp. 235f.; al-Sakhāwī, *Daw'*, vol. 1, p. 51.

84 Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 5, p. 254; al-Sakhāwī, *Tibr*, p. 209; idem, *Daw'*, vol. 10, pp. 138–40.

85 Sayyid is the title given to a descendent of the Prophet through his grandson Ḥusayn.

warnings of the sultan's wrath, to save their own skins the courtiers attributed sins to him that he had not committed. After Badr al-Dīn al-Tanasī, the Mālikī chief judge, categorically recused himself from al-Kimyāwī's trial, the case was transferred to one of his deputies, who convicted him of *zandaqa* and *ilhād*, and sentenced him to death. In spite of the fact that he had indeed swindled, al-Kimyāwī's execution was vociferously denounced in public, and the calamities that struck the country at the time were attributed to the killing of a descendent of the Prophet.⁸⁶

49. In 854/1450, Jaqmaq ordered the execution of the *qāḍī* Abū l-Faṭḥ al-Ṭibbī, the controller of the *jawālī* tax⁸⁷ in Damascus, after his *kufṛ* had been confirmed in proceedings presided over by the Mālikī *qāḍī* in Damascus. It is worth noting that al-Ṭibbī's trial and execution were part of the sultan's plan to get rid of his patron Abū l-Khayr al-Naḥḥās, who was subjected to an interrogation in Cairo at the same time (see case no. 50 below).⁸⁸

50. In the same year, 854/1450, Aḥmad b. Muṣabbiḥ al-Sharīf al-Sayyid, a descendent of the Prophet and a real estate broker in Cairo, filed a complaint in Cairo accusing Muḥammad b. Aḥmad al-Naḥḥās, known as Abū l-Khayr, of *kufṛ*, namely slandering the family of the Prophet. Al-Naḥḥās was a low-ranking religious scholar who had climbed the ladder to become the commissioner of the state treasury (*wakīl bayt al-māl*). His methods of extortion, aimed at filling the sultan's empty coffers, had earned him many enemies among office-holders, amirs, and the general population. In addition, he was the focus of loud unruly protests among the sultan's Mamlūks over delays in their payment. In spite of the fact that the sultan had tacitly approved al-Naḥḥās's misconduct, he seized the opportunity of the *takfīr* suit to appease the angry protesters and legally, rather than arbitrarily, dismiss him and confiscate his fortune. The sultan commissioned the Shāfi'ī chief judge, al-Munāwī, to try al-Naḥḥās's case. Thus al-Naḥḥās was moved by the *naqīb al-jaysh*, adjutant of the army, from the Citadel to the *madrasa* al-Ṣāhibiyya and was handed over to al-Munāwī's messenger. After forty days of intensive interrogation under torture and confiscation of his property, al-Naḥḥās was transferred for the trial to the home

86 al-Sakhāwī, *Tibr*, pp. 254f.; idem, *Wajīz*, vol. 2, p. 643; idem, *Ḍaw'*, vol. 11, p. 152; Ibn Shāhīn al-Ẓāhirī, *Nayl*, vol. 5, p. 275; Ibn Taghrī Birdī, *Nujūm*, vol. 15, p. 388; idem, *Ḥawādith*, vol. 2, p. 271.

87 The *jawālī* was a tax imposed on free men only, not on women, children, monks, slaves, or madmen. Rabie, *Financial System*, p. 108.

88 Ibn Taghrī Birdī, *Nujūm*, vol. 15, pp. 414, 420, 429; idem, *Ḥawādith*, vol. 1, p. 276; al-Sakhāwī, *Tibr*, p. 304.

of the Mālikī chief judge, opposite the Baybarsiyya *madrasa*.⁸⁹ Aḥmad b. Muṣabbiḥ, the complainant, invited 'ulamā' and jurists, among them the *qāḍī* Yūsuf b. Khālīd al-Bisāṭī, to verify his testimony against al-Naḥḥās. The Mālikī *qāḍī* took so much time delivering the verdict that Ibn Muṣabbiḥ accused him of vested interests in avoiding the death sentence for al-Naḥḥās. In fact there may have been collusion between the Mālikī and the Shāfi'ī judges, since the suit was dismissed on procedural grounds. While the Mālikī judge played for time, the Shāfi'ī collected evidence accusing the abovementioned al-Bisāṭī, a central witness in the case, of licentiousness, a charge that invalidated his testimony. The Shāfi'ī judge then demanded a special audience with the sultan, in which the Mālikī *qāḍī* declared that al-Naḥḥās's *kufṛ* was not proven, whereas al-Bisāṭī's *fiṣq* was confirmed.⁹⁰

51. In 858/1454, the sultan al-Ashraf Īnāl (r. 857/1453–865/1460) received an official complaint from Qānī Bāy al-Ḥamzāwī, the governor of Aleppo, against the Ḥanbalī judge Majd al-Dīn Sālīm, for misuse of judicial power. Majd al-Dīn Sālīm had sentenced a jurist to death for *kufṛ* and had executed him on the spot, strangling him with his own hands, because he knew that the accused would appeal to the governor to spare his life. Majd al-Dīn Sālīm had also ignored the defendant's arguments concerning the lack of credibility of the witnesses against him. In the audience held by the sultan with the *muftī* and the four chief judges, it was decided to arrest Majd al-Dīn Sālīm, together with the plaintiff and the witnesses, until their case could be clarified.⁹¹

52. In 870/1465, the majordomo (*ustādār*) Maṣṣūr b. Ṣafīyy al-Aslamī was executed in Cairo for heresy. Sharaf al-Dīn b. Kātib Ghurayb collected testimony mainly from among Maṣṣūr's enemies, who also included established jurists, accusing him of *kufṛ* among other things. The sultan al-Zāhir Khushqadam (r. 865/1461–872/1467), who most probably was interested in eliminating Maṣṣūr, handed the case to Ḥusām al-Dīn Ibn Ḥurayz, the abovementioned Mālikī deputy (see case no. 43). The proceedings were held in the al-Ṣāliḥiyya *madrasa* and the execution took place in public, on the street below the *madrasa* window.⁹²

53. In 871/1466 the amir Timrāz al-Īnālī al-Ashrafī, the *nā'ib* of Safed, was convicted of *kufṛ* and executed. The sultan al-Zāhir Khushqadam was instrumental in contriving false evidence against Timrāz in order to get rid of him.

89 al-Sakhāwī, *Tibr*, p. 315.

90 al-Sakhāwī, *Tibr*, pp. 315f; Ibn Taghrī Birdī, *Nujūm*, vol. 15, p. 21.

91 Ibn Shāhin al-Zāhirī, *Nayl*, vol. 5, p. 414; Ibn Taghrī Birdī, *Ḥawādith*, vol. 2, p. 484.

92 Ibn Iyās, *Badā'ir*, vol. 2, pp. 439f.

He also sent one of the Mālikī deputies, al-Shārīʿī, to try the case in Safed, far from the scrutiny of the chief *qāḍī*s in Egypt.⁹³

54. A stormy theoretical dispute that concerned both *ʿulamāʾ* and Mamlūks⁹⁴ erupted in 875/1470 over the Ṣūfī poetry of ʿUmar b. ʿAlī Ibn al-Fāriḍ⁹⁵ (b. 576/1180; d. 632/1234). Opponents of the poet were persecuted, with the encouragement of the Mamlūks, who supported popular Islam and Ṣūfism and had great veneration for Ibn Fāriḍ in particular. In 877/1472, a theoretical argument between two *ʿulamāʾ*—Burhān al-Dīn al-Biqāʿī, a Shāfiʿī jurist who was one of the leading assailants of Ibn Fāriḍ, and ʿAbd Allāh al-Qalajānī, a Maghribī Ṣūfī and Mālikī jurist—led to allegations of *kufṛ* against the former. Al-Qalajānī testified against al-Biqāʿī and intended to approach the Mālikī *qāḍī*. Through the efforts of Abū Bakr Ibn Muzhir, the confidential secretary (*kātib al-sirr*) of the sultan, al-Biqāʿī's case was first directed to a *qāḍī*. The latter spared his life and saw to it that the verdict was formally recorded.⁹⁶

55. Three years later, in 878/1473, al-Shuʿayrī denounced Ibn Fāriḍ and claimed that those who professed his ideas were heretics. The Mālikī judge summoned him and reprimanded him.⁹⁷

56. Another dispute over Ṣūfī writings, this time over the mystical poetry of Muḥyi l-Dīn Muḥammad Ibn al-ʿArabī⁹⁸ (b. 560/1165; d. 638/1240), took place in 888/1483. While Shams al-Dīn al-Ḥulaybī⁹⁹ was registering the property included in the bequest of Yaḥyā Ibn Ḥijjī, he discovered a book by Ibn al-ʿArabī entitled *Fuṣūṣ al-Ḥikam* ("The Essences of Wisdom")¹⁰⁰ and remarked that it

93 Ibn Iyās, *Badāʾiʿ*, vol. 2, p. 446.

94 For this dispute see Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 4, pp. 422–24; Ibn Iyās, *Badāʾiʿ*, vol. 3, pp. 47–51. Ibn al-Fāriḍ was criticized by traditionalist scholars for expressing his ecstatic Ṣūfī feelings of union with God in terms of the earthly pleasures of intoxication (wine) and physical abandonment with the beloved, although the Ṣūfīs interpreted these images metaphorically.

95 ʿUmar b. ʿAlī Ibn Fāriḍ was given the sobriquet of *sultān al-ʿāshiqīn* ("sultan of the lovers") for his poetry describing his love of God in erotic terms; see al-Nuwayrī, *Nihāyat al-Arab*, vol. 29, pp. 210, 211; al-Ṣafadī, *al-Wāfi*, vol. 3, pp. 454–56.

96 Ibn Iyās, *Badāʾiʿ*, vol. 3, p. 89; Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 7, p. 63; al-Sakhāwī, *Wajīz*, vol. 2, pp. 840f.

97 Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 7, p. 82. For another case of resolving *takfīr* accusations within the circles of learned scholars, see Ibn Ṭūlūn, *Mufākahat al-khilān* vol. 1, pp. 30f.

98 For a good summary of the controversy surrounding the mystical poetry of Muḥyi l-Dīn Ibn al-ʿArabī within the Islamic tradition, see Knysh, *Ibn Arabī*, pp. 49–81.

99 He also appears in the sources as al-Ḥalaqī, see Ibn Shāhīn al-Zāhirī, *Nayl*, vol. 7, p. 352.

100 *Fuṣūṣ al-Ḥikam* is a brief book, in which Ibn al-ʿArabī discusses *ʿirfān*, or Gnostic insight into the unknown.

should have been burnt, despite the Qurʾān verses it contained, and identified its author as a *kāfir* whose heresy was worse than that of the Jews, Christians, and idol worshippers. Witnesses who heard him planned to accuse him of heresy (*takfīrihi*) but he moved more quickly and pleaded with Abū Bakr b. Muzhir, the *kātib al-sirr*, who was also involved in the abovementioned al-Biqāʾī case, to protect him. To appease al-Ḥulaybī's accusers, Ibn Muzhir reprimanded him and shamed him by uncovering his head. However, he confirmed his belief in Islam and spared his life.¹⁰¹

57. In 911/1505, a Šūfī from Upper Egypt called al-Mahdī was accused of *zandaqa* and witchcraft (*sihr*). The documents submitted against him in Cairo included accusations of performing ablutions with milk instead of water and many other transgressions of the *sharīʿa*. He was brought before the sultan Qanīsūh al-Ghawrī (r. 906/1501–922/1516), who authorized the Mālīkī *qāḍī l-quḍāt* to lead the proceedings. He was sentenced to death and executed publicly, below the al-Šālīhiyya window.¹⁰²

58. In 913/1507, ʿUmar b. ʿAlāʾ al-Dīn al-Naqīb al-Ḥanafī al-Maḥallī, a mosque preacher, was accused of speaking disrespectfully about Ibrāhīm al-Khalīl (Abraham of the Hebrew Bible). He was arrested and interrogated, but, after he expressed repentance, Shams al-Dīn al-Ḥulaybī (mentioned in case no. 56) decided to spare him. When al-Ghawrī learned of al-Ḥulaybī's decision, he insisted on a death sentence for al-Maḥallī and ordered a council to be convened in the al-Duhaysha¹⁰³ to discuss al-Maḥallī's case. The four chief *qāḍīs*, the Shaykh al-Islām, and many other prominent jurists and learned scholars were summoned to the meeting. After a dispute, the council decided on a long imprisonment for the accused, despite the sultan's insistence on capital punishment.¹⁰⁴

59. In 916/1510, the sultan was informed of the ample testimony against Taqī al-Dīn Ibn al-Rūmī, one of the Ḥanafī deputies, claiming that he had vehemently slandered the Prophet, without being brought to trial. The sultan took advantage of the opportunity of the new moon celebration to order the four chief judges to investigate the rumors against Ibn al-Rūmī and bring him before the sultan. Ibn al-Rūmī did not appear when he was summoned to the

101 Ibn Iyās, *Badāʾiʿ*, vol. 3, p. 203; Ibn Shāhīn al-Ẓāhirī, *Nayl*, vol. 7, p. 352; al-Sakhāwī, *Wajīz*, vol. 3, p. 941.

102 Ibn Iyās, *Badāʾiʿ*, vol. 4, p. 87.

103 An edifice built in the Citadel by the sultan al-Šālīh Ismāʿīl in 754/1353; al-Maqrīzī, *Khiṭaṭ*, vol. 2, p. 212.

104 Ibn Iyās, *Badāʾiʿ*, vol. 4, pp. 120f.

investigation.¹⁰⁵ It is worth mentioning that *‘ulamā’* and jurists who vanished in order to avoid punishment, confiscation of their property, or undesired appointments were not punished after coming out of their hiding places.

60. In the obituary of the Khwāja¹⁰⁶ Muḥammad al-Ḥulaybī (d. 920/1514), one of the great merchants of the time, Ibn Iyās mentions that he was persecuted by the sultan. Al-Gawrī confiscated his fortune several times and intended to execute him in an arranged *takfīr* trial. Ibn Iyās does not provide details about the trial but argues that al-Ḥulaybī died from distress resulting from this persecution.¹⁰⁷

Although control over belief and religious affiliation remained the formal reason for accusations and trials for heresy during the Mamlūk period, there was a noticeable process of transformation in their frequency, procedure, and political and social significance. During the Turkish, or Baḥrī, period of the Mamlūk sultanate (648/1250–784/1382), there were twenty-six *takfīr* cases—eighteen in Syria and eight in Egypt—out of the sixty cases in total that occurred during the whole Mamlūk period. The frequency of cases during the Turkish period suggests that *takfīr* accusations were not encouraged until the 740s/1340s in both Egypt and Syria. Between 648/1250–741/1341 there were only four cases in Egypt and four in Syria and all eight cases dealt genuinely with violations of the Sunnī theological order. In fact, five out of the eight cases were against extremist Ṣūfis. Between 741/1341 and 784/1382, the number of *takfīr* cases grew in Syria to thirteen, whereas in Egypt there were still only four, although after a Christian convert was convicted in 782/1380 in Damascus (case no. 26) the ruling was reexamined and abolished in Cairo. One case (no. 24) took place in Karak.

The political instability in the Mamlūk sultanate in the four decades between 741/1341 and 784/1382 was characterized by frequent reshuffles in rule and provincial governorships, as well as by natural disasters (mainly the Black Death in 748/1348). The ensuing economic crisis in the region led to widespread social unrest and weakness of state institutions. Latent religiously deviant individuals (not parties) in Syria, such as extremist Shī‘īs, felt confident presenting their beliefs in public and even attacking the symbols of Sunnī orthodoxy. The religious establishment responded rigorously by monitoring public order and punishing transgressors, wielding authority that strengthened

105 Ibn Iyās, *Badā‘ī*, vol. 4, pp. 180f.

106 A title of great merchants, especially those who traded in *mamlūks* during the Mamlūk period.

107 Ibn Iyās, *Badā‘ī*, vol. 4, p. 373.

its power. The increase in more daring forms of radical expression in public, together with the activist policy of the Sunnī establishment to curb them, naturally increased the number of *takfīr* suits during this period in Syria. Six out of the seventeen *takfīr* cases during this period were against extremist Rāfiḍī Shīʿīs, five in Damascus (case nos. 10, 14–16, 19) and one in Karak (no. 24). There were three suits against heretics, one in Syria (case no. 13) and two in Egypt (cases nos. 20, 25). Four trials were against extremist Šūfis, three in Damascus (case nos. 9, 17 and 23) and one in Cairo (case no. 21). By contrast, during the ninth/fifteenth century Šūfism became the theological mainstream, to such an extent that Sunnī traditionalists were persecuted with the Mamlūks' blessing for criticizing the writings of venerated Šūfī thinkers such as Ibn Fāriḍ and Ibn al-ʿArabī. Al-Biqāʿī (case no. 54), for instance, was accused in 877/1472 of heresy for criticizing Ibn Fāriḍ. In 878/1473, al-Shuʿayrī (case no. 55) was summoned to the Mālikī *qāḍī*, who reprimanded him for declaring that Ibn Fāriḍ's ideas and those who believed in them were heretical. In 888/1483, al-Ḥulaybī (case no. 56) was shamed and humiliated to appease those who intended to accuse him of heresy for alleging that Ibn al-ʿArabī was a *kāfir*.

It is clear that the *takfīr* judicial system was self-contained and a significant source of power for the religious establishment during the Turkish period. There was a clear separation between the jurisdiction of the *qāḍīs* over the civilian public sphere and the sultan's control over the military sphere. The sultan had full command and responsibility for the Mamlūks, including in matters of belief. Thus, in the first case cited above, the sultan al-Zāhir Baybars, who was not a jurist, convicted the Mamlūk Āqūsh al-Qifjāqī of *kufīr* in Dār al-ʿAdl. Āqūsh's execution and his being cut in two was typical of military punishment and did not take place in the public arena of the city of Cairo. Functionaries in the sultan's service, however, were tried by *sharʿī* jurists. For instance, the clerk from Homs, Ibn al-Zibitr (case no. 13), was convicted by the Ḥanbalī *qāḍī* in 751/1350 in Damascus and executed in the presence of the four chief *qāḍīs*. The functionary Buʿāda al-Qibṭī (case no. 20) was convicted by a Mālikī judge and executed in 773/1371 in Cairo. During the Circassian period, on the other hand, jurists were not eager to initiate heresy trials against functionaries, particularly those who were personally appointed by the sultan. When they were forced by the population to do so, as in the Mikhāʿīl al-Zāhirī case (no. 32), the sultan was well informed about the case and the execution was carried out only after he gave his permission. In 801/1399, the financier of al-Bimāristān al-Manṣūrī, a Coptic convert appointed by the sultan al-Zāhir Barqūq, was accused of apostasy and executed at the Citadel gate, in proximity to the sultan's seat, an event witnessed by one of the sultan's *khāṣṣkiyya* (case no. 37). The separate execution of women apostates in 781/1379 (case no. 25) at the Citadel gate rather

than the public place designated for men's executions in Bayn al-Qaṣrayn in Cairo indicates that execution at the Citadel gate was more exclusive, and was shielded from the public eye. In four cases in Damascus (nos. 10, 13, 15, 16) the Horse Market, Sūq al-Khayl, is mentioned as the public execution place.

The sources do not provide details about *takfīr* trials against civilians in Cairo during the Turkish period regarding how evidence about heresy was collated, who filed the complaint, and to which judges such cases were submitted. In four cases in Cairo (nos. 20, 22, 25, and 26) the sources mention that the proceedings were conducted by a Mālikī judge and in one case, al-Kurdī (case no. 6), all four chief judges were at the bench. The *madrasa* al-Ṣāliḥiyya is mentioned in only one case (no. 6) as the location of the judicial hearing.

In Syria, however, more information is available about the *takfīr* legal procedure, which attests to the powerful position of the traditionalists in this judicial area. Some cases indicate that Damascus was considered the main judicial center, in that the accused were transferred to Damascus for trial from Syrian towns or villages. For instance, al-Hītī (case no. 7) was arrested in 726/1325 in Aleppo¹⁰⁸ and Ibn al-Zibitr (case no. 13) was arrested in Homs in 751/1350, and both were sent to Damascus for trial. In the only *takfīr* case (no. 31) in which the sources do not mention the sultan's involvement during the Circassian period, the accused was arrested in Jizīn, the complaint was filed in Beirut, and the proceedings took place in Damascus.

Monitoring religious public order in Syria was in the hands of the jurists. Information about violations of the traditional Sunnī order was collected by informants in public places such as the Umayyad and Tankiz Mosques in Damascus (case nos. 12, 14, 17, 19, and 23) and entertainment venues (case nos. 3 and 23). The *qāḍīs* held defendants in the prisons they had at their disposal after the complaint had been filed, during the proceedings, and until the sentence was carried out. For example, the Ḥanbalī *qāḍī* arrested al-Shīrāzī (case no. 19) and imprisoned him for forty days for his radical Rāfiḍī declarations. When he stood firm in his beliefs and resumed reviling the early caliphs in the Umayyad Mosque, he was then brought to the Mālikī *qāḍī* al-Maslātī for trial. Al-Bājūrīqī (case no. 4) spent two years in jail between the death sentence issued against him by the Mālikī *qāḍī* and his acquittal in 706/1306 by the Ḥanbalī chief *qāḍī*. The judge normally had guards at his disposal and a flogger to carry out his orders and prevent disturbances in the audience, as the Ibn Ṣadaqa case (no. 18) indicates.

108 It is unclear why in this case the defendant was sent to Damascus, since in 747/1346 and 767/1365 (case nos. 11 and 18) *takfīr* cases were tried in Aleppo itself.

The complaint supported by testimony concerning the accused's breach of faith was submitted to a judge, who investigated whether there were legal grounds for a *takfīr* accusation. The judge first approached by the accusers normally conducted the proceedings. Since most of the complainants belonged to the monitoring system of the dominant religious order, they were interested in approaching a Mālikī judge to guarantee capital punishment for those they considered heretics, as most cases during the Turkish period show (see, e.g., case nos. 5, 7, 9, 17, 18, 19, 20, 22, 24, 25, and 26). It should be recalled that Mālikī doctrine required capital punishment for heretics (as was mentioned above). However, in the Ibn Ḥurays al-Karakī trial (no. 24), the Mālikī *qāḍī* was unsure of the legal basis of the case and it was transferred to the Ḥanbalī *qāḍī*, who sentenced Ibn Ḥurays al-Karakī to death.

In contested cases where the defendant came from the ranks of learned scholars, more than one judge took part in the hearing. However, it was the first judge approached by the accusers who handed down the sentence. In the al-Dakkākī case (no. 9), the Mālikī, Ḥanbalī, and Ḥanafī *qāḍīs* were at the bench, but since the Mālikī was approached first by the complainants, it was he who sentenced the accused to death. In Ibn Kathīr's case (no. 14), *qāḍīs* from all four schools of law sat in on the trial, but the Mālikī judge sentenced him to death. The venue of the judicial hearing is not mentioned in most cases. However in the al-Dakkākī case (no. 9) it is stated that the trial was held in Damascus, where the *qāḍīs* and notables "customarily" (*'alā l-āda*)¹⁰⁹ convened in Dār al-'Adl, or the Hall of Justice, in Dār al-Sa'āda,¹¹⁰ to deal with heresy cases. This venue of the *takfīr* trials in Damascus raises the question of whether the Mamlūk sultan or the provincial governors were involved in the court hearing, since the Dār al-'Adl normally dealt with grievances (*al-kashf fi l-maẓālim*) against officeholders serving the sultan.

The Mamlūks attempted to intervene behind the scenes in *takfīr* proceedings against Šūfis and occasionally against nonconformist intellectuals with whom they had religious and social dealings. Although the Mamlūks and the vast majority of the populace, among them normative religious scholars, venerated and supported Šūfis, many traditionalist scholars regarded popular Šūfī practices as being marginal to Sunnī Islam and considered extreme Šūfī piety heresy. These conflicting attitudes toward Šūfism made the *takfīr*

109 Ibn Kathīr, *Bidāya*, vol. 14, pp. 189f.

110 Dār al-'Adl (also named Dār al-Kashf fi l-Maẓālim), or the House of Justice of Damascus, was located within Dār al-Sa'āda, the palace built as the governor's residence by Nūr al-Dīn Mahmūd Ibn Zankī (r. 541/1146–570/1174) around 559/1163. The Dār al-'Adl was a grand hall where the hearings were convened.

trials against Šūfīs tense and contested arenas, all the more so when they were used to destroy rivals who were also proficient in Islamic jurisprudence. Such judicial hearings were followed closely by a large audience of *shaykhs* and jurists and also Mamlūks, which intensified the pressure on the judges conducting the proceedings and threatened their reputation and position. It was therefore important for the traditionalists, both the complainants and the *qāḍīs*, to have the upper hand, that is, to get a conviction, as shown in the al-Thaqafī and al-Dakkākī cases (nos. 3 and 9). In the al-Thaqafī case, more than thirty witnesses were called to testify against him and his statement of repentance was dismissed. Al-Thaqafī's conviction was the outcome of teamwork among the chief judges; the Mālikī chief *qāḍī* formally conducted the trial, the Shāfi'ī supported him, and the Ḥanafī was called to reconcile with the Mamlūk amir (the power behind the throne) and exert pressure on him to approve al-Thaqafī's conviction, in spite of his disinclination to do so. Al-Dakkākī's trial was scrutinized by a large number of Šūfīs and jurists and the Mamlūk amirs were in the audience during the second hearing. Many respected *shaykhs* and jurists were called to testify against the accused and three chief *qāḍīs*—Mālikī, Ḥanafī, and Ḥanbalī—presided. It is clear that al-Dakkākī's conviction was pre-arranged by the chief *qāḍīs*, because the Shāfi'ī *qāḍī* who objected to his conviction abstained from taking part in this proceeding, an act that enabled the *qāḍīs* to announce a unanimous decision. Obviously, by obtaining a consensus concerning the proceedings and the verdict, the *qāḍīs* were able to thwart Mamlūk intervention in their rulings. For instance, the *nā'ib* of Damascus, a Mamlūk amir, informally disagreed with the *qāḍīs* on the ruling of capital punishment for al-Dakkākī, but the *qāḍīs* remained resolute in their decision to convict him because they had reached a unanimous decision.

The power of the established traditionalists in heresy proceedings during the Turkish period can also be seen in the importance attached to appeasing the complainants, even in cases where the accused were acquitted. For example, al-Rakrākī (case no. 21) had to leave Cairo after his release and was able to return only after the death of most of his persecutors, in spite of the support he received from powerful Mamlūk amirs and religious scholars. Al-Maqārī'ī (case no. 23) was acquitted by the Shāfi'ī *qāḍī* for lack of evidence, but he was released from jail only a year later. Even unsophisticated and naïve offenders of the normative order were not spared heresy trials and punishment. The girl who innocently wanted to annul her undesired marriage by uttering impious words she did not even understand (case no. 11) was punished for heresy. She was displayed in public with a severely mutilated face. Al-Khurasānī (case no. 12) was accused of deviation from the *ḥadīth* text when teaching attendants the prayer laws in the mosque. He was paraded through the streets and

kept in jail as punishment. The old Šūfī *shaykh* al-Shāghūrī (case no. 17), who most probably was not of sound mind, was tortured in jail to repent. By contrast, during the Circassian period, when the sultan was responsible for public order, the mentally ill were treated differently for religious transgressions. For instance, the foreigner who claimed that God authorized him to rule the world (case no. 39) was placed in an asylum, in compliance with the expert's opinion submitted to the court.

During the Circassian period (784/1382–923/1517) the number of *takfīr* cases rose to thirty-four. Only five of the cases took place in Syria, and the sultan's involvement was clear-cut in four of them (nos. 45, 49, 51, and 53). It should be noted that, during this period, jurists lost independence and much of their power in the *takfīr* penalty courts to the sultan, who controlled and orchestrated justice from the center, in Cairo, although formally he had no judicial power in *sharʿī* courts. Furthermore, officeholders such as the *ḥājib* (also 30 and 44) or *kātib al-sirr* were employed by the sultan in heresy cases to receive and investigate the complaint and to carry out arrests. As early as 782/1380, when Barqūq still served as the power behind the young Qalāwūnid sultan, he convened a judicial hearing in Cairo and reversed a decision convicting a Christian convert in Damascus (case no. 26). In 785/1383, a file accusing six Coptic converts from the village of Barmā (case no. 30) was first handed to the sultan's vicegerent, who directed it to the Mamlūk amir in whose *iqṭāʿ* this village was included. The amir denied the villagers' request to punish the converts and detained a number of them. The Shāfiʿī *qāḍī*, supported by a venerated Šūfī *shaykh*, stepped in only at this stage to release the detainees. When the complaint reached the sultan, he sent the *ḥājib* rather than a jurist to collect testimony against the defendants. When he provided proof of the converts' *kufṛ*, the Barmā Coptic converts were brought to the sultan, who then authorized the Mālikī *qāḍī* to preside over their trial. The sultan's vicegerent was present, together with the four chief *qāḍīs*, at the public execution of the culprits.

The case of Ibn Sabʿ (no. 33) shows that in 791/1389 jurists had already accepted the sultan's involvement in *takfīr* cases. Although the Mālikī *qāḍī* was quick to issue a death sentence against Ibn Sabʿ, the latter used his close ties of patronage with prominent Mamlūk amirs, such as the Grand Amir Yalbughā al-Nāṣirī, and functionaries to help him transfer his case to the Shāfiʿī *qāḍī*. The second hearing thus took place in al-Iṣṭabl al-Sultānī in the Citadel, not at the normal venue for *takfīr* proceedings, the *madrasa* al-Šāliḥiyya, and was presided over by Yalbughā al-Nāṣirī. Judicial disagreement among the chief judges led to a stalemate that paved the way for one of them, Ibn Khaldūn, to suggest that Yalbughā would hand down the verdict. Yalbughā's decision to

release Ibn Sabʿ constituted a precedent because it implied that the sultan or his proxy had decisionmaking power that extended to making *sharʿī* judicial rulings. Unsurprisingly, al-Maqrīzī critically comments on this case, claiming that it was the first in which a judicial ruling was made by a Mamlūk—sultan or amir—in matters that had previously fallen strictly within the jurisdiction of the *fuqahāʾ*. He argues that this was the outcome of the depth of the schisms among the jurists and their lack of courage to put their opinions in writing.¹¹¹ Schisms among learned scholars prompted them to recognize the sultan's authority to intervene as well in heresy trials related to scholarly disputes among themselves, which were mostly cover-ups for personal rivalry over appointments. For instance, when in 797/1395 al-Tubbānī accused al-Qirmānī (case no. 36) of heresy for a commentary he had written on a *fiqh* book, he asked the sultan Barqūq to hold a session in the Citadel to begin *takfīr* proceedings and to authorize a *qāḍī* to lead them. When the *qāḍīs* failed to reach a unanimous decision, Barqūq authorized the Ḥanafī *qāḍī*, who was also the choice of most of the Mamlūk amirs, to sit on the bench. The Ḥanafī *qāḍī*, as expected, acquitted al-Qirmānī of *kufr*.

The Mamlūks' precedent-setting involvement in *takfīr* cases entailed significant procedural changes that increased Mamlūk infringement on jurists' authority.¹¹² Whereas previously the power to choose the judge in *takfīr* proceedings had been in the hands of the complainants, who normally came from traditionalist ranks, shortly after Barqūq's rise to power, the sultan who received the records had the power to authorize the judge to officiate during the judicial hearing. This change gave the sultan the power to orchestrate judgments in most cases, much like the traditionalist jurists had done in the past, and turned *takfīr* trials into a powerful tool in the sultan's hands for securing political interests such as eliminating enemies and facilitating confiscations. The *qāḍīs* now also presided over trials against Mamlūk amirs, who had previously not been under their jurisdiction, and handed down sentences that mostly tallied with the sultan's desires. Thus factional struggles for power that had been considered internal Mamlūk affairs and the elimination of political opponents were carried out on the ruler's direct orders, without any attempt to secure religious judicial sanctions. In 793/1390, for instance, Barqūq arranged for the conviction of the amirs Aṭunbughā, the *dawadār*, and Aṭunbughā al-Ḥalabī (case nos. 34 and 35), two of his opponents, who were charged with leading a rebellion against him. Barqūq authorized the Mālikī *qāḍī* to deal with these

111 al-Maqrīzī, *Sulūk*, vol. 3, p. 637.

112 See, on Mamlūk encroachment in the judicial system, Levanoni, "A Supplementary Source."

two cases, which were sealed and ended with public executions. In 842/1438, in the trial that Sultan Jaqmaq set up against Qurqamās (case no. 42), the legal arguments against the insurgent amir included the statement that rebellion against the sultan was considered war against Allāh and his messenger because it caused the bloodshed of Muslims.¹¹³ Mamlūk amirs were brought to testify against Qurqamās, and the Mālikī *qāḍī l-quḍāt* was quick to issue the death sentence, in spite of the other chief judges' disapproval. In 871/1466, al-Zāhir Khushqadam eliminated Timrāz al-Īnālī (case no. 53), the *nā'ib* of Safed, through a mock *takfīr* proceeding presided over by one of the Mālikī deputies sent to Safed for this very reason. In much the same way, the execution of functionaries and confiscation of their property were sanctioned by heresy trials. In one instance, in 870/1465, the majordomo Maṣṣūr al-Aslamī (case no. 52) was accused of heresy in a trumped-up trial with al-Zāhir Khushqadam's tacit approval, evidenced by his authorizing a Mālikī deputy to head the case. In 854/1450, the *qāḍī* al-Ṭibbī (case no. 49), who served as controller of the *jawālī* tax in Damascus, was convicted of *kufr* by the local Mālikī *qāḍī*, while the trial of his patron Abū l-Naḥḥās (case no. 50, cf. also case 60), the state treasury commissioner, was going on in Cairo. The al-Naḥḥās trial was eventually dismissed on procedural grounds, undoubtedly with Jaqmaq's approval. Interestingly, al-Naḥḥās was interrogated throughout his prolonged trial and his property was confiscated. Al-Kimyāwī (case no. 48), who extorted money from Jaqmaq, was convicted of *zandaqa*, based on falsified evidence supplied by officeholders hoping to appease the sultan's wrath. It should be recalled, however, that the jurists resisted the sultan's plans in a few cases, mostly when the defendant was a learned religious scholar or from Ṣūfī circles. For instance the Mālikī *qāḍī* did not confirm the allegations against the Ṣūfī *shaykh* Ḥasan al-ʿAjāmī (case no. 41), whom Sultan Jaqmaq attempted to eliminate in order to get hold of the enormous property he had amassed during Barsbāy's rule. Al-Ardabilī (case no. 47), a normative Ṣūfī and a Ḥanafī deputy, was acquitted in 852/1448 of all *takfīr* charges after vigorous violent protests by two prominent Ḥanafī *qāḍīs*. In 849/1445, the Ḥanafī *qāḍī* al-Dayrī did not succumb to Jaqmaq's pressure to convict Ibn Ramaḍān of heresy (case no. 46); nevertheless he did not acquit him and Ibn Ramaḍān died in prison a year later. In order to ensure the death penalty for the amir Yakhshabāy (case no. 43), in 842/1445 Jaqmaq authorized the unemployed Mālikī deputy al-Bisāṭī to deal with his case. Al-Bisāṭī, however, did not comply, but solely for procedural reasons: he could not reverse a judgment acquitting Yakhshabāy of heresy, which had been rendered in haste by the Shāfiʿī chief judge to circumvent the sultan's plot.

113 al-Maqrīzī, *Sulūk*, vol. 4, p. 1104.

Since information on theological public order, among other data related to political order, was in the hands of the sultan's informants, and he held the power to instruct jurists to weigh the legal aspects of public religious transgressions, the jurists directed their attention to thought policing within academe, as was shown in the cases of al-Biqā'ī (no. 54), al-Shu'ayrī (no. 55), and al-Ḥulaybī (no. 56). All three traditionalist scholars were on the brink of being accused of heresy initiated by their peers, for criticizing the writings of Ibn Fārīd or Ibn al-'Arabī, venerated Ṣūfī thinkers.

In conclusion, the legal mechanism of *takfīr* underwent significant changes during the Mamlūk period, reflecting a process of the Mamlūk sultan's encroachment on the jurists' authority. The *takfīr* judicial system ceased being a powerful tool that bolstered the traditionalist position as independent repositories of authority over the theological public order, and became one controlled by the Mamlūk sultans to achieve their political ends. During the Circassian period, the jurists lost their domination over the *takfīr* system, when both the monitoring of the public sphere and the authority to appoint the *qāḍī* to lead *takfīr* proceedings were transferred to the sultan. Learned scholars tacitly acknowledged the sultan's authority over the *takfīr* system by confining their attention to thought policing within academe, on an individual and sporadic basis, but even then they were compelled to seek the sultan's approval to initiate heresy trials. The activist policy enforced by the Circassian sultans in the *takfīr* penal system clearly reflected the ongoing discourse between the Mamlūk rulers and learned scholars over the issue of state and religion. Obviously, the Mamlūk sultans aspired to implement the model of a chief executive ruler under whose control functionaries acted as administrative agents, while the functionaries, particularly judges, aimed for independent authority. The specific case study of the *takfīr* system illustrates the strategies implemented by the Mamlūk sultans to reinforce patrimonial authority that turned judges into professional functionaries in key positions.

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Takfīr and Messianism: The Ḥurūfī Case

Orkhan Mir-Kasimov

1 Introduction

The idea of the continuation of prophecy after the death of the Prophet Muḥammad, present in several currents in Islam, in particular Shīʿism and Sufism, implies that the link with the source of prophetic knowledge is not severed after the last prophetic mission, and can be potentially re-actualized at any point in history.¹ On the opposite end of the spectrum, this point of view confronted the rigorously dogmatic approach, according to which the gate of revelation was completely closed after Muḥammad's mission, and from this point on the Muslim community was defined by conformity to a dogma, i.e., to the *sunna* based on the Qurʾān and the carefully selected material of the tradition transmitted from generation to generation.

Of course, a division of all the currents existing within the Muslim community into two mutually opposed categories, the “continuation of the prophecy” trend and the “tradition-based dogma”, would be a rough oversimplification. Each of these categories includes a broad spectrum of groups and movements. The boundaries between the two categories are blurred and can at best be defined locally, with reference to the particular historical context. Both categories existed within the Sunnī as well as the Shīʿī branches of Islam. Their outright identification with “centrifugal” and “centripetal” tendencies would also be wrong, because many of the “continuation of prophecy” movements and thinkers often did not aim at the destruction of the “dogma”, but at what they understood as its reconstruction and reinforcement.²

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- 1 For the various aspects and forms of the idea of the continuation of prophecy in Islam see the substantial overview in Friedmann, *Prophecy Continuous*, pp. 49–101.
 - 2 For the definitions, formation, mutual relationships, and historical evolution of the “majority dogma” and “other” trends in Islam see the fundamental study of van Ess, *Der Eine und das Andere*; in particular, on the complexity, flexibility and relativity of the concepts describing the Muslim community as a whole and the “heresies”, including the extreme case of *takfīr*, see *ibid.*, vol. 2, pp. 1269ff. For further reflection on this topic see Mir-Kasimov, “Introduction”.

A wide class of the messianic, or “mahdist” movements can arguably be characterized as a particular case of the “continuation of prophecy” paradigm.³ In this case, the idea of the continuous link with the source of prophetic inspiration is associated with beliefs concerning either the millennial “renovator” or the eschatological Saviour.⁴ Many messianic leaders claimed indeed to have received—directly or by the intermediary of an eminent figure of the past, such as the Prophet himself, an Imām or perfect spiritual master—specific and authentic knowledge, which would confer upon them a religious authority far above any dogma or law based on textual transmission. This charismatic authority was used to legitimize possible modifications, reforms or interpretations of the established norm, as well as the doctrinal positions on which these modifications were based.⁵

As long as the groups belonging to the moderate part of the spectrum of the “continuation of prophecy” tendency, including both the Shīʿī and Sufi branches of Islamic mysticism, did not put forward their specific doctrinal positions and views too radically, they could come to be more or less tolerated by the official religious authorities.⁶ But in the case of messianic movements, the combination of “dissident” and reformist ideas with the millennial or eschatological thrust was often explosive, because it entailed an active political struggle for social reform and for the actual realization of messianic ideals. This led to open confrontation with the established religious authorities, who usually fought back by qualifying the messianic doctrines and claims as “illegitimate innovation” (*bidʿa*). It was arguably not just, and not so much, the theological and doctrinal controversies, but most of all their active social and political involvement that made the messianic groups and movements a

3 The Arabic word *mahdī*, “the rightly guided one”, has a broad scope of meanings in the Islamic religious context, including that of renovator or saviour, either in the middle of the historical time or at its end. The word *masīḥ*, literally “Messiah”, refers in Islam essentially to Jesus, who is also one of the central figures of Islamic eschatology, sometimes identified with the Mahdī in his role as the eschatological saviour. However, neither Jewish nor Christian conceptions of messianism cover exactly the same semantic field as the Islamic one. In order to highlight this difference, the term “mahdism” is often used in scholarly literature with reference to Islamic messianism. I use the words “messianism” and “messianic” in this article while keeping in mind their specific meaning in the Islamic context.

4 For a systematic overview of the wealth of Islamic traditional eschatological material see Cook, *Studies*.

5 For examples of messianic movements in Islam, see an excellent collection of case studies in the collective volume edited by García-Arenal, *Mahdisme*.

6 “Großzügigkeit und Aufgeschlossenheit des Traditionalismus”, as Johann Fück puts it in “Die Rolle des Traditionalismus,” p. 27.

particular target for outright rejection and excommunication, or *takfīr*, followed by the persecution and execution of the “heretics”.⁷

One of the central arguments of the anti-messianic *takfīr* discourse was, as we shall see in the example of the anti-Ḥurūfī polemics further below, the alleged antinomianism of the messianic groups, their intention to abrogate Islamic religious law (*sharīʿa*) and to introduce a new religion. To what extent was this “antinomian” hallmark justified? The typology of the messianic trends in Islam is still to be established, but it seems that the large majority of the messianic movements envisaged exactly the opposite goal, aiming essentially at the revival and restoration of the pristine purity of Islam and of divine Law.⁸ This includes most of the Sufi and Shīʿī messianic groups, along with the mainstream “orthodox” Twelver and Ismāʿīlī branches of the latter, however discordant the conceptions of divine Law and justice entertained by the various factions within this tendency might be, and however divergent their views on the nature of this original Islam and the reasons behind its later corruption.⁹ The messianism of these groups was not necessarily eschatological, i.e., the messianic renovator who was expected to come and to restore the original purity of Islam was not necessarily the eschatological Saviour. Both Ismāʿīlī Fatimids and Twelver Safavids used eschatological symbolism in order to seize power, but tended towards the renovator/justifier model once their political

7 A good example emphasizing the decisive role of the political claim in triggering violent response on the part of “orthodoxy” and relative tolerance of the purely doctrinal dimension of the messianic movements can be found in the case of the Mahdawiyya movement, founded in India by Sayyid Muhammad Jaunpūrī (d. 910/1505). The orthodox ‘*ulamā*’ were violently opposed to the Mahdawiyya during the period of activism, but became very tolerant in the quietist phase of the movement. Cf. MacLean, “La sociologie”.

8 Academic scholarship on Islamic messianism includes several broad categories of works. Some works, such as Cook, *Studies*; Sachedina, *Islamic Messianism*, Amir-Moezzi, *Guide*, focus essentially on tradition material related to Islamic messianic beliefs. Other studies, e.g., Friedmann, *Prophecy Continuous*; García-Arenal, *Mahdisme*; eadem, *Messianism*; Bashir, *Messianic Hopes*; Amanat, *Resurrection and Renewal*, attempt to conceptualize Islamic messianism on the basis of its particular manifestations. The works of the third category, such as Arjomand, *The Shadow of God*, and many insightful articles of the same author, Amanat, *Apocalyptic Islam*; Ourghi, *Schittischer Messianismus*, address the historical and intellectual evolution of the Shīʿī Islam in connection with the social and political aspects of messianism.

9 In particular, the Shīʿī perspective emphasizes the conception of *taʿwīl*, in the sense of the final and universal exegesis of the prophetic word bringing it back to its origin in the divine Word, as an essential condition for a return to true Islam. In the Sunnī context, this return is often described as *tajdid al-dīn*; unconditional restoration of the pure religion that already existed in the perfect fullness of its aspects in the past. For the comparison of the Sunnī and Shīʿī eschatological figures see, for example, Reynolds, “Jesus”.

goal was achieved.¹⁰ In the modern and contemporary context, movements of revival and renovation like the Mujaddidiyya and related Khālidiyya branch of the Naqshbandī order often represent an alternative approach to the issue of the modernization of Muslim societies, without any eschatological overtones, competing with hard-line fundamentalist reformist currents such as Salafiyya and Wahhābiyya.¹¹

A certain ambiguity with regard to the *sharī'a* appeared, however, on the extreme limit of the messianic current, essentially in the eschatological part of spectrum, and relied on some traditional material with equally ambiguous descriptions of the religion brought by the eschatological Saviour.¹² Such

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- 10 On the Fatimid interpretation of the term Mahdī, which deprives it from the eschatological meaning it had, along with the term Qā'im, in pre-Fatimid Ismā'īlism see, for example, W. Madelung, "al-Mahdī," *The Encyclopaedia of Islam*. New Edition, vol. 5, pp. 1230–1238 (with reference to the *Kitāb Sharḥ al-akhbār* of the Qādī al-Nu'mān (d. 363/97), Daftary, *The Ismā'īlīs*, pp. 177ff.) For the emphasis that was placed on the non-eschatological interpretation of the title Qā'im with regard to the Safavids, see Sachedina, *Islamic Messianism*, pp. 63f.
- 11 On the Mujaddidiyya offshoot of the Naqshbandī order and its founder, shaykh Aḥmad Sirhindī (d. 1034/1624), see Friedmann, *Shaykh Aḥmad Sirhindī*. A recent general overview of the history of the Naqshbandī order is contained in Weismann's book, *The Naqshbandiyya*, esp. pp. 132–146 for the relationships between the Naqshbandiyya and modern Islamic conservative and reformist movements.
- 12 For example, some of the Shī'ī eschatological traditions mention that the Qā'im will bring a "new order" (*amr*), a "new Book" (*kitāb*), a new *sunna* and a new legislation (*qaḍā'*). For this tradition, cf. al-Nu'mānī (d. ca. 345/956), *Ghayba*, p. 255: *idhā kharāja yaqūm bi-amr jadīd wa-kitāb jadīd wa-sunna jadīda wa-qaḍā' jadīd*. This and other Shī'ī eschatological traditions are thoroughly analyzed by Amir-Moezzi, *Guide*, pp. 279–301. In particular, Amir-Moezzi discusses (pp. 289f. n. 639) the question raised by this kind of eschatological material: "Faut-il croire qu'à cette époque l'Islam deviendra tellement inconnu que son rétablissement par le Qā'im sera perçu comme une nouvelle religion? ... Ou bien ne s'agit-il pas, comme l'ont déclaré certains shī'ites "extrémistes", d'une nouvelle religion abrogeant l'Islam et d'un nouveau Livre abrogeant le Coran? Etant donné la série de traditions que j'ai fourni au début de cette note, j'opterai plutôt pour la première solution". For the use of similar traditions by the Carmathians see Madelung, "Das Imamāt," esp. pp. 83f., idem, "al-Mahdī," *The Encyclopaedia of Islam*. New Edition, vol. 5, pp. 1230–1238. For the use of the above-mentioned tradition in the works of Sayyid 'Alī Muḥammad Shirāzī, the Bāb (d. 1850), founder of the Bābī movement, in the context of his theory of the progressive revelation of the original *sharī'a*, see Eschraghi, *Frühe Šaiḥī- und Bābī-Theologie*, Arabic text p. 368, editor's summary pp. 263f., and pp. 328f. See also the discussion of this and similar traditions in Cook, *Studies*, pp. 199f. and 199 n. 37.

descriptions also generated a broader polemic between Sunnī and Shīʿī scholars.¹³

However, this ambiguity remained mostly latent in the history of Islam. It contributed to maintaining a diversity of approaches to the concept of religious law, while cases of actual antinomianism, resulting in the straightforward abrogation of the *sharīʿa*, and leading to the—in this case, often anticipated and voluntary—exit from the Muslim community—were rather exceptional. This did not prevent the unspecified use of the argument of antinomianism in the polemics of the external sources hostile to the messianic movements.

The use of such clichés as antinomianism is particularly visible in the “mainstream” polemics against the groups that intentionally concealed their writings out of fear of persecution. The “internal” literature of some of these groups only recently became available to modern scholarship, enabling us to compare their doctrines to the descriptions contained in heresiographical works. In several cases, it appears that the accounts of the external heresiographers disregard or misinterpret important doctrinal points.¹⁴ Consequently, the study of the religious literature of these groups may reveal that the actual divergence from “orthodox” dogma was in some cases significantly less important than that presented by the external authors, especially when the latter were determined to establish a “heresy” case for political reasons. To what extent were the religious scholars acquainted with the literature of the group they refuted, and to what extent did they base their work on secondary sources, on the information transmitted by witnesses exterior to these groups, or simply on popular opinion? In the remaining part of this study, I will address this question with reference to the Ḥurūfī case.

Ḥurūfism,¹⁵ founded in Iran by Faḍl Allāh Astarābādī (d. 796/1394), is a typical example of a politically active messianic group severely persecuted by the official religious authorities on the grounds of its alleged “heresy”. Faḍl Allāh

13 On Imāmī apologetics concerning this issue and on the closeness of the “orthodox” Imāmī, Sunnī and Sufi positions concerning the identity and the role of the Mahdī, cf. Madelung, “al-Mahdī,” and Sachedina, *Islamic Messianism*, pp. 174–176, with reference to the *Iʿlām al-warāʾ bi-aʿlām al-hudā* of Abū ʿAlī al-Faḍl al-Ṭabarsī (or al-Ṭabrisī, d. 549/1154–55).

14 Cf., e.g., the misinterpretation of the Nuṣayrī concept of the “form of God” and related “deification” of ʿAlī, Friedman, *The Nuṣayrī-ʿAlawīs*, p. 132.

15 The term *Ḥurūfiyya* is often used in the external sources. As far as I know, there is no explicit term that the members of this group would apply to themselves, probably because they did not distinguish themselves from the rest of the Muslim community, and saw themselves as the adherents of the true Islam. Some names and expressions, often derived from the Qurʾān, such as “possessor of the knowledge of the Book” (*man ʿindahu ʿilm al-kitāb*), “the midmost community” (*umma wasaṭ*), or “people of the Truth” (*ahl-i*

claimed to have received a particular revelation, that of the metaphysical meaning of the single letters and phonemes of the alphabet. This revelation was said to have opened to him the ways of the universal *ta'wīl*, the spiritual hermeneutics of all the prophetic books, thus inaugurating the last stage of the cycle of the prophecy, the disclosure of the hidden levels of the prophetic messages. Such a claim evidently included a religious authority powerful enough to introduce new interpretations of the scriptural sources, religious law and canonical rituals, which potentially undermined the positions of the “orthodox” scholars. In addition, Faḍl Allāh did not content himself with professing his teachings to a limited circle of disciples, but attempted to convert the political leaders of his time, probably aiming at the official recognition of his mission. His claim in combination with his political activity provoked an immediate reaction on the part of the religious establishment. The violence of this reaction was such that the Ḥurūfī community did not survive long after the death of its founder, executed after the verdict of religious scholars by Mirānshāh, son of Tamerlane. Scattered Ḥurūfī groups existed in Iran until at least the first half of the fifteenth century. But the Ḥurūfī heritage was preserved in the Ottoman Empire, in particular within the powerful Bektashi order of dervishes. Ḥurūfism deeply influenced Turkish mysticism and art, and its influence is still discernible in modern Turkey.¹⁶ The polemics against Ḥurūfism consequently continued until at least the end of the nineteenth century. Though Ḥurūfī authors produced a rich literature, including theoretical works and poetry, this literature remained until recently practically unexplored by modern research, partly due to the cryptic and fragmented character of the early Ḥurūfī texts, and in particular of the *Jāvidān-nāma-yi kabīr*, the main work of Faḍl Allāh Astarābādī and the foundational text of the Ḥurūfī doctrine.¹⁷ Did the authors of the anti-Ḥurūfī polemics brave the difficulties of the texts containing the original Ḥurūfī doctrine? If they did not, on what sources are their accounts based and to what degree do they correspond to the textual evidence of the Ḥurūfī

ḥaqq), “people of the [divine] Bounty” (*ahl-i Faḍl*), in the works of Faḍl Allāh and those of his disciples probably refer to the followers of Faḍl Allāh (cf. Kiyā, *Vāzha-nāma*, p. 280).

16 For the Ḥurūfī motifs in the novels of Orhan Pamuk see Bashir, *Fazlallah Astarabadi*, pp. 123–127. The Ḥurūfī texts are being made available in modern Turkish script, presumably by Alevi publishing houses (like *‘Ilm-i Cavidan*, an adaptation of the *Ishq-nāma* of ‘Izz al-Dīn Firishta oğlu [d. 864/1459–60]).

17 For a general description of the *Jāvidān-nāma* see O. Mir-Kasimov, “Jāvdān-nāma,” *Encyclopaedia Iranica*, vol. 14, pp. 603–605; for a detailed study of its contents, and an edition and translation of a substantial number of fragments, see idem, *Words of Power*.

sources? In this study, I shall attempt to bring forth some evidence related to these questions.

I shall begin with an overview of anti-Ḥurūfī writings, from medieval times up to the nineteenth century. The goal of this section is not to provide an exhaustive inventory of the extant sources in which the Ḥurūfīs are mentioned, but to detect the most typical charges levelled against them. The Ḥurūfī response will be addressed in the second part of this paper, based essentially on Ḥurūfī sources. The “response” includes not only Ḥurūfī reactions to the accusations but also, in a broader sense, a comparison of the articles of accusation with the corresponding points of the Ḥurūfī doctrine, with reference to doctrinal works and not to the apologetic literature. This comparison could give us an idea of the extent to which the anti-Ḥurūfī arguments were founded on an adequate knowledge of Ḥurūfī doctrinal views, as opposed to being based upon reasons and factors external to the latter.

2 Anti-Ḥurūfī Discourse

It seems that we possess only few short external accounts of the Ḥurūfīs close to the time of Faḍl Allāh. They are quoted in most of the existing studies on the history of the Ḥurūfīs. The first reference is a note in the *Durar al-ʿuqūd al-farīda fī tarājīm al-aʿyān al-mufīda* of Taqī al-Dīn al-Maqrīzī (d. 845/1442), reproduced in *al-Ḍawʿ al-lāmiʿ li-aḥl al-qarn al-tāsiʿ* by Shams al-Dīn al-Sakhāwī (d. 902/1497).¹⁸ This note begins with a positive description of Faḍl Allāh: he had the reputation of someone who never eats illicit food nor accepts anything he did not earn.¹⁹ He acquired a wide knowledge in the various sciences of his day, and was versed in prose and poetry.²⁰ However, continues the note, some of his sayings—whose contents are not specified—prompted the religious scholars (*ʿulamāʾ*) and jurists (*fuqahāʾ*) to gather in Gilan and elsewhere until an assembly in Samarqand issued the order to put him to death. Here

18 Al-Maqrīzī, *Durar al-ʿuqūd*, vol. 3, entry 901, p. 18, reproduced with some modifications in al-Sakhāwī, *Ḍawʿ*, vol. 6, entry 586, p. 174. Al-Sakhāwī's version has been translated into Persian by Kiyā, in the *Vāzha-nāma*, pp. 13f., and into German by Ritter, in “Studien,” p. 7.

19 Al-Maqrīzī uses here the original Persian expression *ḥalāl-khūr*, to which al-Sakhāwī adds in his version an Arabic translation: *ḥalāl-khūr ay yaʿkul ḥalāl*.

20 The edition of the *Durar* of al-Maqrīzī that I consulted mentions instead of this information the titles of two works of Faḍl Allāh: the *ʿArsh-nāma* and the *Jāwīd-nāma* (i.e., the *Jāvidān-nāma*, see further below), written in Persian, and says that Faḍl Allāh acquired many followers (*wa-ṣāra lahu atbāʿ kathīr*).

ends the part of the entry concerning Faḍl Allāh: note that it contains no explicit negative characteristic of Faḍl Allāh, except the mention of some sayings which elicited a death sentence. But the second part of the entry, related to the followers of Faḍl Allāh, is much more expressive. It is said that they openly advocated libertinism, the abandonment of religious restrictions (*taʿīl wa ibāḥa al-maḥrūmāt*) and the abandonment of religious obligations (*tark al-muḥtariḍāt*), and they corrupted (*aḥsadū*) people with these ideas. When this corruption extended into Herat, Shāhrukh ordered them to leave the city, in response to which two of them tried to stab him.²¹

The second early reference concerning Faḍl Allāh is found in *Inbāʾ al-ghumr bi-abnāʾ al-ʿumr* by Ibn Ḥajar al-ʿAsqalānī (d. 852/1448). Al-ʿAsqalānī writes that Faḍl Allāh was:

an ascetic from among the innovators (*aḥad al-mutaqashshifīn min al-mubtadiʿa*) and belonged to the *ittiḥādīyya*.²² Then he founded (*ibtadaʿa*) a sect (*al-niḥla*) known as *ḥurūfiyya*, pretending that letters are identical to human beings (*al-ḥurūf hiya ʿayn al-adamiyyīn*), together with many other idle and baseless fancies (*khurāfāt*). He invited the Amīr Timūr-i Lang (Tamerlane) to adopt his innovation (*bidʿatihi*), but he (Tamerlane) desired to slay him. And this came to the knowledge of his son, and he struck off his head with his own hand. And when this was made known to Timūr, he demanded his head and his body, and burned them both . . .²³

The distinction between the teachings of Faḍl Allāh and the doctrines of his followers, vaguely alluded to in the account of al-Sakhāwī, is stated much more explicitly in a later source, *Mazārāt-i Tabrīz*, presumably dating from the 10th/16th century and quoted by the Iranian scholar Ṣādiq Kiyā in one of his

21 Reference to the attack of the Ḥurūfī adept Aḥmad Lor who wounded the Timurid prince Shāhrukh (d. 850/1447) in the mosque of Herat in 830/1426–7. This attack triggered massive arrests and executions of Ḥurūfis and persons suspected to be related to them. On this episode see, e.g., Browne, *A Literary History*, vol. 3, p. 365, Kiyā, *Vāzha-nāma*, pp. 11–13 and 297f., Azhand, *Ḥurūfiyya*, pp. 70–76, and more recently Binbaş, “The Anatomy”.

22 According to Ritter, this term refers to those who teach the unity of the divine and the human.

23 Al-ʿAsqalānī, *Inbāʾ al-ghumr*, vol. 5 (1972), “*wafayāt sana 804*”, pp. 46f., reproduced in al-Sakhāwī, *Ḍawʿ*, entry 583, p. 173. I used both the English translation of Browne, “Some Notes,” p. 61, and the German translation of Ritter, “Anfänge,” p. 8 (which is closer to the Arabic original).

articles.²⁴ The relevant entry is related to the grave of a certain Pīr-i Turābī, buried in the same grave as the daughter of Faḍl Allāh Naʿīmī Ḥurūfī, accused of libertinism (*ibāḥa*) and dualism (*tazanduq*) and killed together with many other Ḥurūfīs in the time of Jahānshāh Qarāqoyūnlū (d. 872/1467).²⁵ However, the author remarks that the Ḥurūfīs were close to Jahānshāh and appreciated by the people; but the ‘ulamā’ issued a *fatwā* declaring it licit to shed their blood (*ke sharʿan khūn-i īn qawm-rā bāyad rīkhtan*). The author further mentions that Najm al-Dīn Uskūʿī, the author of the deadly *fatwā*, did not initially have any clear intention to order the killing of the Ḥurūfīs. He seemingly wrote his *fatwā* not on the basis of direct charges against the Ḥurūfīs, but because of the dream of a well-known local ecstatic, in which the latter saw the prophet Muḥammad, who asked him to exterminate these people who “destroy the religion” (*ke īnhā mukharrib-i dīnʿand*). The author of the *Mazārāt* further specifies that, according to the “people of the truth” (*ahl-i ḥaqīqat*), Faḍl Allāh was a perfect and pious ascetic, but his followers misunderstood his teachings and fell into heresy (*ilhād*) and dualism (*zandaqa*).²⁶

The account of the *Mazārāt-i Tabrīz* is somewhere in the midway between the sources which are openly hostile to the Ḥurūfīs and the sources, generally belonging to the *tadhkira* genre, which praise and support Faḍl Allāh and some of his disciples, in particular ʿImād al-Dīn Naṣīmī. The latter has been compared to al-Ḥallāj, whose courage, passionate seeking of the truth and heroic death at the hands of religious authorities became legendary.²⁷ The ‘ulamā’ who issued the *fatwās* sentencing Faḍl Allāh and Naṣīmī to death are often qualified in these sources as “ignorant” (*juhalā-yi ʿulamā-yi ʿaṣr*).²⁸ Since in this study I am focusing on the charges against the Ḥurūfīs, I will for the time being leave these “friendly” accounts aside. There are however two details that are probably worth noting with regard to this topic. Many of the accounts praising the Ḥurūfīs highlight the difficult and symbolic character of Faḍl Allāh’s writings. As Taqī al-Dīn Awḥadī (11th/17th) puts it in his *ʿArafāt al-ʿāshiqīn*, “He composed difficult, comprehensive and perfect (*mushkila-yi kāmila-yi shāmila*) works, all written in a symbolic (*marmūz*) language”. The same source contains a curious detail on the reason for Faḍl Allāh’s execution:

24 Kiyā, “Agāhihā-yi tāza az ḥurūfiyān”.

25 Kiyā, “Agāhihā-yi tāza az ḥurūfiyān,” p. 41.

26 Kiyā, “Agāhihā-yi tāza az ḥurūfiyān,” p. 42.

27 Cf. Massignon, *La Passion*, vol. 2, pp. 261–268.

28 Riḍā Qulikhān Hidāyat, *Riyāḍ al-ʿArifīn*, cited in Kiyā, *Vāzha-nāma*, p. 25. The *Vāzha-nāma* contains several other examples of external accounts favourable to Faḍl Allāh and his disciples.

“He lived in the time of Amīr Tīmūr, and it is told that Amīr Shāhrukh [son of Timur] became the enemy [of Faḍl Allāh] because of a dream that he interpreted [for Shāhrukh?], and after the death of his father he sent someone to kill him”.²⁹

Several Ottoman sources mention the activity of a Ḥurūfī heretic in the time of Sultan Mehmed II (1451–81).³⁰ This Ḥurūfī is described as “an unclean apostle of Faḍlullāh the Ḥurūfī” who came from Tabriz “with his benighted disciples into the Turkish kingdom. He obtained in some manner access to the King, and received the highest marks of his favour”. This apparently was not to the liking of the vizier Maḥmūd Pāshā, who brought the muftī Mevlānā Fakhr al-Dīn ‘Ajamī and hid him behind a curtain in his apartment. The vizier invited the Ḥurūfī to speak freely, feigning a genuine interest for his doctrines. Fakhr al-Dīn, who overheard the conversation, declared the Ḥurūfīs to be heretics (*mulḥid*) on the grounds of their alleged belief in incarnation (*ḥulūl*), and arranged their execution.

The anti-Ḥurūfī reaction in the Ottoman Empire came not only from the ‘ulamā’, but also from the “orthodox” Sufi circles. A substantial piece of anti-Ḥurūfī polemics was written by ‘Abd al-Raḥmān al-Bistāmī (d. 858/1454), a Sufi author who, like the Ḥurūfīs, was particularly versed in the esoteric science of letters (*‘ilm al-ḥurūf*). ‘Abd al-Raḥmān lived in Bursa, the Ottoman capital, and represents most probably a mystical and messianic trend that rivalled that of the Ḥurūfīs, and was concerned by the growing popularity of the latter. In a chapter of his work *al-Fawā’iḥ al-miskiyya fī-l-fawā’iḥ al-makkiyya*, significantly titled after Ibn Taymiyya’s *Farq bayna awliyā’ al-raḥmān wa-awliyā’ al-shayṭān*, ‘Abd al-Raḥmān, in the same manner as the famous Ḥanbalī scholar before him, vigorously criticizes the antinomian Sufis, with special reference to Faḍl Allāh. According to him, Faḍl Allāh followed the path of the Khurramites and Qarmatians and, using the pretext of knowledge of esoteric meanings and interpretations, advocated the abandonment of the letter of the Revelation.³¹

But probably the most extensive and also the most virulent piece of writing against the Ḥurūfīs is Ishāq Efendi’s anti-Bektashi and anti-Ḥurūfī pamphlet

29 Cited by Kiyā, *Vāzha-nāma*, pp. 14, 22f.

30 Browne, “Some Notes,” pp. 90–2, after the *Kunh al-Akhbār* of ‘Alī Efendi, composed in 1007/1598–9. The same account can be found in the *Shaqā’iq-i Nu’māniyye* of Tash Köprüzāde, completed in 1558; Birge, *Bektashi Order*, p. 62.

31 Gril, “Esotérisme”, with reference to MS Paris, Bibliothèque Nationale, arabe 6520. The account of Al-Bistāmī’s anti-Ḥurūfī discourse and relevant citation included in Gril’s article (pp. 191f.) do not suggest that al-Bistāmī had any in-depth knowledge of Faḍl Allāh’s doctrinal works.

Kāshif al-asrār wa-dāfi' al-ashrār, published in Istanbul in 1291/1874.³² *Kāshif al-asrār* uses the word *kufṛ* extensively in relation to Hūrufī and Bektashi doctrines and practices. The pamphlet of Ishāq Efendi was triggered by the publication of the *Ishq-nāma*, a partial Turkish adaptation of the *Jāvidān-nāma* of Faḍl Allāh made by an Ottoman Hūrufī author, Firishta-zāda (d. 864/1459–60):

Be it known that of all those sects which busy themselves with misleading the people of Islam, the Bektashis are the chief offenders, and that although it is obvious both from their words and deeds that they are not of the Muslims, in the year 1288[/1871–2] they made this fact patent to all. The books which these persons call *Jāvidān* are six in number, one of which was composed by their original misleader, Faḍlu'llāh the Hūrufī, while the other five are the books of his *Khalīfas*. And since in these five books their heresies and blasphemies are very evident (*kufṛleri pek zāhīr oldugundan*), they are wont to teach and study them secretly amongst themselves; but as Firishta-zāda in his *Jāvidān*, entitled *Ishq-nāma*, did in some measure conceal his blasphemies (*kufriyyātini bir miqdār mastūr tutdigindan*), and since in the above-mentioned year 1288[/1871–2] they [i.e., the Bektashis] made so bold as to print and circulate this work, it has unquestionably become a matter of urgent necessity that a treatise should be written to make known to the faithful their true character, and the blasphemous nature (*kufriyyāt*) of the doctrines contained in their books.³³

Ishāq Efendi further speaks about the secrecy with which the Hūrufīs protect their blasphemous doctrines from the knowledge of the faithful, until they succeed in seducing them:

The purport of the *Jāvidān-nāma* was the denial of all divine obligations and the pandering to the lusts of the flesh.³⁴ They named it “the Secret”, and enjoined the utmost secrecy concerning it... By this their so-called “Secret” is meant certain blasphemous passages in the *Jāvidān*, hinted at and alluded to by detached letters... for the understanding of

32 Translated into German by Jacob in his *Beiträge*, pp. 40–95. In the following quotations, I also used the English translation of the first pages of this book made by Browne, “Further Notes,” pp. 533–581, translation pp. 536–539.

33 *Kāshif al-asrār*, pp. 2f.

34 *Muqtaḍā-yi Jāvidān jumla taklīfāt-i ilāhīyya'yī inkār wa naṣṣ-i ammāra'nin hawāsina muwāfiqatī ashkār oldighindan qabūl eliyüb.*

which symbols they composed a tract entitled *Miftāḥ al-ḥayāt*. This they name “the Secret”; and should one possess it, he understands the *Jāvidān*, which without it is incomprehensible. They were thus careful to conceal their secret for fear lest the doctors of religion should obtain some inkling of its nature, and should suppress it . . .³⁵

This note about secrecy highlights, in a plain and straightforward manner, an important issue concerning most of the external accounts on the Ḥurūfis. Ishāq Efendi points out the difficult and encrypted character of the *Jāvidān-nāma*. This remark is perfectly fair and, as we have seen above, can also be found in the external sources sympathizing with the Ḥurūfis. I will come back to the techniques of secrecy employed in the *Jāvidān-nāma* in the next section of this study. But, instead of attempting a better understanding of these difficult and cryptic texts, Ishāq Efendi uses a much easier argument: for him, secrecy is in itself sufficient proof of heresy.

In this regard, it is interesting that, although Ishāq Efendi claims to be deeply upset by the publication of Firishta-zāda's version of the *Jāvidān*, he never quotes any passage from this work to support his statements, and his references to the text remain quite vague. Most of his allegations concerning offensive Ḥurūfī-Bektashi practices come from his private discussions with Bektashi shaykhs or from the accounts of his friends.

Many of the anti-Ḥurūfī and anti-Bektashi arguments of Ishāq Efendi are repeated in the *Mir'at al-maḳāṣid fī daf' al-mafāsīd*, which was probably written in response to the *Kāshif al-asrār*, apparently by a Bektashi author named Aḥmad Rif'at. The *Mir'at al-maḳāṣid* was composed in 1293/1876, and was likely published shortly afterwards.³⁶ Aḥmad Rif'at denies Ishāq Efendi's point of view according to which the Ḥurūfis are part of the Bektashis, and focuses his accusations on the Ḥurūfis. Curiously, refuting the Ḥurūfī doctrines as heresy, Aḥmad Rif'at at the same time exposes some theoretical developments of unmistakably Ḥurūfī origin, attributing them to well-known Sufi shaykhs such as Ibn al-ʿArabī (638/1240) or Ismaʿīl Ḥaqqī Burūsawī (d. 1137/1725). This Bektashi anti-Ḥurūfī discourse is more substantial than that of Ishāq Efendi because the author apparently has a much better knowledge of the Ḥurūfī doctrines.

The charges that Ishāq Efendi and Aḥmad Rif'at level against the Ḥurūfis are in a sense the culmination of the anti-Ḥurūfī polemics. They include a number

35 *Kāshif al-asrār*, pp. 4f.

36 The copy I consulted does not mention either the date or the place of publication.

of clichés found in the earlier accounts of non-Ḥurūfī authors and can be summarized as follows:³⁷

- Both Ishāq Efendi and Aḥmad Rifʿat present the Ḥurūfis as the successors of the Qarmatians (*al-Qarāmīṭa*), who are, especially for Ishāq Efendi, the archetype of *ibāḥiyya*, “libertarians”, because they do not respect religious restrictions (*maḥrūmāt*).³⁸ Aḥmad Rifʿat simply notes that Faḍl Allāh was related (*nisba*) to the Ismāʿīlis, and in particular to the line going back to Ḥamdān Qarmāt (*Ḥamdān Qarmīṭi*).³⁹ This alleged affiliation to the Qarmatians is evidently brought forth in order to explain the antinomian tendencies ascribed by our authors to the Ḥurūfis. Ishāq Efendi reproaches both the Ḥurūfis and Bektashis for neglecting religious obligations and indulge in forbidden practices, like drinking wine and engaging in illicit sex: according to him, their wives participate in their gatherings unveiled.⁴⁰ In a somehow more attenuated way, Aḥmad Rifʿat notes the discrepancy between the Ḥurūfī claims (or mission, *daʿwā*) and the religious law of Islam.⁴¹

- Along the same lines, Aḥmad Rifʿat claims that the Ḥurūfis limit the essence and the attributes of God, as well as the Qurʾān and all existing objects and beings, to 28 and 32 letters, and their interpretations based on these views do not agree with the *sharʿa*, because they distort the literal, exoteric, straightforward significance of the precepts of the Law and the rituals. The same can be applied to their interpretations of the Qurʾānic verses.⁴²

- Aḥmad Rifʿat asserts that the Ḥurūfis are adepts of “corporealization” (*daʿwāʾlari jismānīdir*), apparently because of the frequent references to the form and the lines of the human body and face in Ḥurūfī works. They say that if the letters were extracted from the things, there would remain nothing.⁴³ He further develops the thesis of Ḥurūfī “materialism” and asserts that Faḍl Allāh either altogether denied the concept of God as the supreme Reality (*ḥaqq*

37 The relationship between these arguments and the evidence of Ḥurūfī texts will be discussed in the Conclusion.

38 *Kāshif al-asrār*, p. 3.

39 *Mirʾat al-maqāṣid*, p. 132.

40 *Kāshif al-asrār*, pp. 27ff.

41 *Mirʾat al-maqāṣid*, pp. 131, 153.

42 *Mirʾat al-maqāṣid*, pp. 132, 153.

43 *Mirʾat al-maqāṣid*, p. 131. The thesis of the ontological role of sounds and letters is indeed one of the central positions of the Ḥurūfī doctrine, but its interpretation by Aḥmad Rifʿat as “corporealization” is too simplistic.

Ta'ālā), or supported the view that the concept of divine Reality refers to four elements; and these ideas are blasphemy (*kufriyyāt*).⁴⁴

- Aḥmad Rif'at defends the science of letters, to which the fifth chapter of his work (*Dar bayān-i ḥurūf-i hijja*, pp. 125–154) is devoted. It is interesting that his discourse on the science of letters is strongly influenced by Ḥurūfī ideas, and contains some excerpts from Ḥurūfī-inspired poetry. Nevertheless, Aḥmad Rif'at concludes that Faḍl Allāh misunderstood the noble science of letters, and fell into heresy (*ilhād*).⁴⁵

- Both Ishāq Efendi and Aḥmad Rif'at assert, with reference to the *Jāvidān-nāma*, that Faḍl Allāh claimed the status of prophecy (*nubuwwa*), and superiority over all previous prophets, and that he sometimes went as far as proclaiming his own divinity (*ulūhiyya*). He claimed that the mention of divine Grace (*dhālika faḍl Allāh*) in the Qur'ān alluded to him,⁴⁶ and the Ḥurūfīs believe in the divinity of Faḍl Allāh. Ishāq Efendi reports, with reference to the *Ishq-nāma* of Firishta-zāda, that the Ḥurūfīs believe that 'Alī b. Abī Ṭālib was an incarnation of preexistent Faḍl Allāh, and Faḍl Allāh is superior to Muḥammad: God did not reveal Himself directly to any other prophet, but He did so to Faḍl Allāh.⁴⁷ Aḥmad Rif'at adds an additional argument to Faḍl Allāh's alleged claim of superiority over Muḥammad: Faḍl Allāh seemingly founded this claim on the fact that he used four letters specific to Persian in addition to the twenty-eight letters of Arabic used by Muḥammad.⁴⁸

- We have already seen the citation from the *Kāshif al-asrār* concerning the cryptic character of Ḥurūfī texts. The verdict of Ishāq Efendi can be summarized as follows: because their true doctrine is heretical, they hide it in encoded and difficult texts that no one can decipher without obtaining first the well-concealed key.

3 Ḥurūfī Sources

Did the Ḥurūfīs say anything to defend themselves or justify their doctrines? The evidence of what could be called “Ḥurūfī apologetic literature” is scarce, but it is not non-existent. But even before coming to the apologetics, it appears clearly that the Ḥurūfīs anticipated from the outset the possible negative

44 *Mir'at al-maqāṣid*, p. 148.

45 *Mir'at al-maqāṣid*, p. 132.

46 This expression has several occurrences in the Qur'ān, after verse 5:54.

47 *Kāshif al-asrār*, pp. 6–8, 26; *Mir'at al-maqāṣid* pp. 147f.

48 *Mir'at al-maqāṣid*, p. 148.

reception of their doctrines and took measures to prevent any accidental access to them. This is the “secrecy” mentioned by Ishāq Efendi, which can indeed be observed at several levels in ẖurūfī works. Behind the usage of particular abbreviations for expressions frequently mentioned in the text, to which Ishāq Efendi seems to refer, there are also more serious obstacles hindering the straightforward reading of the early ẖurūfī texts, such as the usage of an archaic Persian dialect mixed with classical Persian, and the fragmented structure of the text, devoid of any thematic organization. All these features are particularly visible in the *Jāvidān-nāma-yi kabīr* of Faḍl Allāh Astarābādī, the foundational work of the ẖurūfī doctrine. In addition, the abundance of the citations from the Qur’ān and the *ḥadīth* gives to the *Jāvidān-nāma* an appearance of a standard Qur’ānic commentary. The text also contains regular references to Sunni *ḥadīth* collections and widely accepted theological views, which can divert the casual reader from a detailed examination of the doctrines.⁴⁹

Faḍl Allāh’s legacy (*Waṣīyat-nāma*), published by A. Gölpınarlı, shows that before his death he expected persecution and was profoundly concerned about the future of his children and followers, whom he asks to disperse and hide immediately.⁵⁰

Another document published by Gölpınarlı under the title “Faḍlallāh-i ẖurūfī’nin oğluna ait bir mektup” (“A letter written by a son of Faḍl Allāh the ẖurūfī”) narrates the debates which took place between a son (or grandson) of Faḍl Allāh named Amīr Nūr Allāh, accompanied by the author of the letter (apparently Ghiyāth al-Dīn Astarābādī), and the religious authorities (*‘ulamā’*) following the attack of a ẖurūfī adept named Aḥmad Lor who stabbed the Timurid Shāhrukh in Herat in 830/1426–7, as was mentioned earlier.⁵¹ The principal point of accusation against Amīr Nūr Allāh and his companion was of course their suspected leadership in the plot against Shāhrukh, which they denied and which was not established. Eager to prove their *kufṛ*, the *‘ulamā’* questioned Amīr Nūr Allāh on some central points of Islamic dogma, but were

49 See Mir-Kasimov, “Techniques”, idem, “Jāvdān-nāma,” *Encyclopaedia Iranica*, vol. 14, pp. 603–605, idem, “Study”.

50 “Faḍlallāh-i ẖurūfī’nin Wasiyyat-nāması veya Wāsāyası”.

51 “Faḍlallāh-i ẖurūfī’nin oğluna ait bir mektup”. The letter is however signed by Ghiyāth al-Dīn Astarābādī, its attribution to a son of Faḍl Allāh would be therefore erroneous. Gölpınarlı acknowledged this mistake in his *Hurūfîlik metinleri kataloğu*, p. 56. My thanks to Ilker Evrim Binbaş for bringing this to my attention. See also his discussion of the same document in “The Anatomy of a Regicide Attempt,” pp. 406–411. Concerning the attack of Aḥmad Lor, cf. above n. 21.

unable to find any flaw in his answers. This debate reveals some new anti-Ḥurūfī arguments, in addition to those mentioned in the external sources that I listed above. The interrogation began in Herat, in a very hostile atmosphere. The following is a summary of some characteristic questions and answers (U. stands for the speaker on the part of the *‘ulamā’*, A. stands for Amīr Nūr Allāh):

U: “We heard that Faḍl Allāh pretended to be Jesus who came from heaven, and this is heresy (*kufṛ*), and anyone who professes it is a heretic and should be killed”. A.: “I am not responsible for anything you might hear. I am only responsible for my own words (and I did not state such a thing)”.⁵²

A.: “Prayer is obligatory in Islam, and whoever neglects it is an unbeliever (*kāfir*). Do you know why the number of *rak‘as* is 17 every day of the week and 15 on Fridays?”—The *‘ulamā’* cannot answer. A. produces the Ḥurūfī explanation, which the *‘ulamā’* are forced to accept. At the end of the session the *‘ulamā’* are disappointed, because they are unable to find grounds for the *takfīr* as fast as they expected.⁵³

U.: “To which school of law (*madhhab*) do you belong?”—A.: “To the school of imam Shāfi‘ī”. U.: “What is your religion (*dīn*)?”—A.: “The religion of Muḥammad Muṣṭafā *‘alayhi l-salām*”. U.: “To which nation (*millat*) do you belong?”—A.: “We belong to the nation of Abraham *‘alayhi l-salām*”.⁵⁴

U.: “What do you say concerning the Last Day, the Gathering, the Resurrection, the Punishment, the Rest, the Account, and the Book?”—A.: “We believe in all these in accordance with the command of God and His prophet”.⁵⁵

U.: “We have four witnesses who affirm that you consider drinking wine lawful (*shomā gofte-īd ke sharāb ḥalāl‘ast*).”—A.: “I will accept anything that is established in accordance with the law and fair witnesses”. The *‘ulamā’* fail to produce reliable witnesses.⁵⁶

U.: “I testify that this person is a Ḥurūfī, and his father was a Ḥurūfī, and the Ḥurūfī school is wrong (*bāṭil*), and anyone who belongs to it should be killed and his blood should be shed”.—A.: “Did you ever discuss with

52 “Faḍlallāh-i Ḥurūfī’nin oğluna ait bir mektup,” p. 41.

53 “Faḍlallāh-i Ḥurūfī’nin oğluna ait bir mektup,” p. 42.

54 “Faḍlallāh-i Ḥurūfī’nin oğluna ait bir mektup,” p. 45.

55 “Faḍlallāh-i Ḥurūfī’nin oğluna ait bir mektup,” p. 45.

56 “Faḍlallāh-i Ḥurūfī’nin oğluna ait bir mektup,” pp. 45f.

my father or myself in your whole life?”—U.: “No”.—A.: “Then how can you testify about someone you have never seen and never spoken to in your entire life? According to the law, testimony is based on a visual witness (*be-shar‘ guvāhī be-ru‘yat ast*)”.⁵⁷

This answer of Amīr Nūr Allāh is interesting because it points to the main weakness of the anti-ẖurūfī polemics, namely, that it is not founded on an adequate knowledge of the ẖurūfī texts and doctrine.

The *‘ulamā’* of Herat were unable to establish the heresy (*kufī*) of their prisoners or find anything contrary to religious law in the answers of Amīr Nūr Allāh. After two years’ trial, the prisoners were sent to the court of Ulugh Bek (d. 853/1449) in Samarqand, where the discussion took a much more friendly turn. Ulugh Bek asked Amīr Nūr Allāh to give him a summary of his doctrine, so that he might determine whether there was anything against Islamic law in it.

A.: “According to our master Faḍl Allāh, the letters are 32, and they reach all things by the means of the attribution of names. Any existing object and being, as well as all sounds, voices, movements and speech, consist of these 32 letters, which are attributes of the divine essence”.⁵⁸

Ulugh Bek did not find anything heretical in Amīr Nūr Allāh’s discourse. What is more, he showed a genuine interest in the ẖurūfī teachings, and asked Amīr Nūr Allāh to instruct him in the “science of letters”. In the following sessions Amīr Nūr Allāh presented the ẖurūfī views on questions such as the identity of Mahdī, and the constitution of the heavens and of the human body. Eventually Ulugh Bek sent the prisoners back to Herat.⁵⁹

Another example of ẖurūfī apologetic literature, this time in the Ottoman context, is a rhyming letter of Mīr ‘Alem Jalāl Bek (d. 982/1574–5), a poet and statesman of the time of Sultan Selim I (1566–1574), who had fallen into disgrace because of his ẖurūfī sympathies.⁶⁰ In this letter, Jalāl Bek made essentially the same point as Amīr Nūr Allāh in Herat, this time in the Ottoman context: namely, that the anti-ẖurūfī prejudices of the religious doctors were not based on a sound knowledge of the ẖurūfī doctrine which, according to him, contained nothing opposed to the dogmas of Islam:

57 “Faḍlallāh-i ẖurūfī’nin oğluna ait bir mektup,” p. 46.

58 “Faḍlallāh-i ẖurūfī’nin oğluna ait bir mektup,” pp. 49f.

59 “Faḍlallāh-i ẖurūfī’nin oğluna ait bir mektup,” pp. 50–55.

60 The letter is published by Gölpınarlı, “Hurūfîlik ve Mîr-i ‘Alem”.

[You despise] the people of the truth saying “they are Ḥurūfī’s”,
 You, who are impotent in the divine science,
 But do you know what “Ḥurūfī” means?
 Do you know what the essence of the letters of the Qur’ān is? . . .
 Has the esteem of the Qur’ān became such . . .
 That anyone who is attached to it becomes a dualist? . . .
 And you who are attached to this world,
 You did not admit the secret of the names . . .⁶¹

The author further argues that the accomplishment of the religious obligations by blind imitation, without understanding their real significance, is meaningless:

A fool keeps washing his face in the ritual ablution,
 But does a black stone become white by washing?⁶²

And he suggests that the science unveiling the true meaning of religious duties consists precisely in the science of letters. He concludes:

I am confident to be a servant of God,
 A Sunnite, a believer and a monotheist!⁶³

4 Conclusions

Probably the main point of Ḥurūfī apologetic writings is that their opponents do not have any real knowledge of Ḥurūfī doctrine. The Ḥurūfīs maintain that their teachings contain nothing heretical or discordant in relation to mainstream interpretations of Islamic religious law and canonical duties. This seems to be true with reference to the *Jāvidān-nāma* of Faḍl Allāh Astarābādī, the foundational text of Ḥurūfism. Nowhere in the *Jāvidān-nāma* does Faḍl Allāh

61 “Ehl-i Ḥakk’a Ḥurūfidür dersin / Sen ki ‘ilm-i ledünde kâşırsın / Vâqıf oldun mı sen Ḥurūfî nedür / Muşḥafın cevher-i ḥurūfî (=zurūfî) nedür . . . / Böyle mi oldu ragbet-i Kur’ân / . . . K’ana menşüb olan olur zındık . . . / Sen ki menşûbsun bu dünyâyâ / Olmadun râzî sırr-ı esmâyâ”, Gölpınarlı, “Hurūfilik ve Mîr-i ‘Alem,” pp. 106f. (I keep the transliteration of the Ottoman Turkish into Latin characters used by Gölpınarlı).

62 “Yüzünü yur vuzû’ ile ahmak / Gusl ile hiç olur mı kâra taş ak?”, Gölpınarlı, “Hurūfilik ve Mîr-i ‘Alem,” p. 107.

63 “İ’tikâdım budur ki ‘âbid olam / Sünniy-ü mü’min-ü muvaḥḥid olam”, Gölpınarlı, “Hurūfilik ve Mîr-i ‘Alem,” p. 109.

claim either prophetic or divine status for himself, and nowhere does he pretend to be superior to Muḥammad. No attempt is made in this work to invalidate the religious obligations or the precepts of Islamic law. Early Ḥurūfism belonged therefore most probably to the Shīʿī-inspired messianic movements of the first, “renovational” category that I attempted to outline in the Introduction.

The accusation of “corporealism” (*tajassum*) and the arguments concerning the identification of letters with human beings—the idea that, for the Ḥurūfis, God and the created universe are limited to the 32 letters and four elements—most probably results from a misunderstanding of the Ḥurūfī concept of *mazhar*, locus of manifestation. The accusations of indulging in drinking wine or engaging in illicit sexual activity have no other foundation in the Ḥurūfī texts than the frequent quotations of Persian mystical poetry with its traditional imagery of wine and human beauty, and Ḥurūfī theories on human beauty as the manifestation of divine ontological writing developed with reference to this imagery.

The central originality of the Ḥurūfī doctrine is the postulate that the divine Essence has contained, throughout eternity, a limited number (28 or 32) of aspects. This postulate provides Faḍl Allāh with a numerological basis on which he constructs his theory of the essential unity of all that exists: any existing or potentially possible entity, including time, human beings, and the universe, is the locus of manifestation of the divine Word or of its fragment. Time, including heavenly and prophetic cycles, is determined by the unfolding of the original Word and measured on the scale introduced by the numbers 28 and 32. This is close to the summary of the Ḥurūfī doctrine that the son of Faḍl Allāh gave to Ulugh Bek. This view is what led to the Ḥurūfis being branded with the title of “innovators”, as mentioned in the external sources cited above. The Ḥurūfis tried of course to escape the accusation of *bidʿa* by producing traditional materials which, in their opinion, supported their views.

The description of the Ḥurūfī doctrine found in the external sources proves thus not very reliable when compared to Faḍl Allāh’s doctrinal writings. However, unlike his doctrinal works, the dream diary and poetry attributed to Faḍl Allāh, as well as the works of his followers, including the biographies of Faḍl Allāh and the records of his conversations with his disciples, do contain more explicit statements concerning the messianic claim of Faḍl Allāh and the high, if not supreme rank he claimed to occupy among prophets and saints.⁶⁴ The attribution of poetry and of the dream diary to Faḍl Allāh, as well

64 For example, when asked why he never claimed divine Ipseity (*anāniyya*) as did Naṣīmī and the great mystics of the past, Faḍl Allāh answered that there was no need to do so because he is already mentioned in the Qurʾān (Ghiyāth al-Dīn Astarābādī, *Istivā-nāma*,

as the reliability of his disciple's accounts, may be questioned. But Faḍl Allāh's messianic claim also seems to be confirmed by what we know about his political activities, which were continued by his disciples. In most cases, the *takfir* against the Ḥurūfīs is provoked by their political activity, their attempts to approach the rulers, undermining the positions of the 'ulamā', rather than by any pertinent critique of their teachings.

Finally, Ḥurūfī doctrine cannot be taken as a homogeneous whole, transmitted without modification over the centuries. The *Istivā-nāma*, an early Ḥurūfī source written some 50 years after the death of Faḍl Allāh by Ghiyāth al-Dīn Astarābādī, his direct disciple, mentions several Ḥurūfī groups in Iran and in the Ottoman Empire which deviated (*alḥada*) from the original doctrine and were disapproved of by Faḍl Allāh. The history and doctrines of these factions have so far been very little studied. According to Ghiyāth al-Dīn, some of these groups believed that the religious law of the Islam was abrogated and its religious obligations could be discarded because the revelation of Faḍl Allāh had already realised for them the condition of Paradise on earth.⁶⁵ Ghiyāth al-Dīn reports that Faḍl Allāh explicitly disapproved of such behaviour, and this is in accordance with the text of Faḍl Allāh's writings, an essential part of which deals with canonical rituals and prayer. It is also true that, even if Faḍl Allāh does not seem explicitly to formulate any claim to divinity, at least some of his disciples deified him and considered his works to be divine revelation.⁶⁶ The mention of Faḍl Allāh's works is usually followed by the adjective *ilāhī* in Ḥurūfī writings; and the cover page of the *Ishq-nāma* which so deeply upset Ishāq Efendi mentions *Faḍl-i Yazdān*. It is therefore possible that the anti-Ḥurūfī arguments of the later sources were inspired not by the original doctrine, but by the doctrines and practices of the local Ḥurūfī groups, which may have evolved from the "renovation" towards the "abrogation" paradigm.⁶⁷

The particular interest of the Ḥurūfī case resides in the fact that the Ḥurūfīs arguably possessed one of the most systematic doctrines among

f. 58b, reproduced with English translation in Browne, "Some Notes," pp. 78–80). For Faḍl Allāh's dream diary, see Mir-Kasimov "Le « Journal des rêves »".

65 Ghiyāth al-Dīn Astarābādī, *Istivā-nāma*, ff. 24aff., reproduced with an English translation in E. Browne, "Some Notes," pp. 72–78.

66 Cf. Bashir, "Enshrining Divinity".

67 Concerning the importance of the distinction between the doctrine of the messianic leader and its later interpretations, cf., e.g., García-Arenal, *Messianism*, p. 7: "There is a distinction to be made, sometimes even an opposition, between what a Mahdi says he is, and what his followers think he is".

the messianic movements that emerged in Iran after the end of Mongol rule, and whose claims were to some extent realised with the rise of the Safavids. The parallelism between the ideology and political strategies of the Ḥurūfis and the Safavids is evident. The fact that Ḥurūfī beliefs were integrated into the Kizilbash-Bektashi-Alevi milieu, according to mechanisms which are still to be elucidated, is another argument along the same lines. Most of the charges of heresy and disbelief levelled against the Ḥurūfis can be applied to Shāh Ismāʿīl and his immediate predecessors.⁶⁸ The Ḥurūfis can therefore be seen as forerunners of the Safavid revolution, which dramatically, albeit locally, changed the whole frame of reference delimiting the concepts of “true belief” and “heresy”.

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68 In his letter addressed to Rustam Pāshā, grand vizier of the Ottoman Sultan Sulaymān (r. 1520–1566), Shaykh Bālī Efendi puts these words in the mouth of Shaykh Ṣāfi al-Dīn, the eponym of the Safavids: “Those dogs barking in my loins are a sign that from my descent a tyrannous band will rise and uproot the Muhammadan law. It will oppress the learned, the pious and the believers, and destroy them by the sword and by torture. May the Almighty let them perish, them and their followers.” (Minorsky, “Shaykh Bālī-Efendi,” p. 445).

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The Qāḏizādeli Movement and the Revival of *takfīr* in the Ottoman Age

Simeon Evstatiev

Defining “belief” (*īmān*) and “unbelief” (*kufīr*) has been a major point of debate and contestation throughout Islamic history. The question “what is *belief*?” (*mā al-īmān*) has been answered by invoking different historical antecedents and doctrinal tenets, including shared references to earlier religious authorities. In general, Islamic conceptions of belief and unbelief have their origin in the moral and religious debates on the destiny of sinners in the afterlife.¹ The issue of whether the grave sinner is an unbeliever (*kāfir*) and therefore subject to capital punishment is one of the earliest religious questions to be posed in Islam and it carries strong political relevance.² The broader concept of “unbelief” is inseparable from that of “apostasy” (*ridḍa* or *irtidād*)—“severing ties with Islam” (*qaṭʿ al-Islām*)—which is punished by death.³ The connection between *kufīr* and apostasy became increasingly important during the Ottoman period, too, at least from the sixteenth century CE and after. A revived perception of the surrounding world as steeped in unbelief gained momentum in the activity of the violently puritan Istanbul-based Qāḏizādeli movement (1620s–1680s), followed by the Wahhābī surge in eighteenth-century Arabia. The re-emergence of the accusations of unbelief vigorously promoted by these movements were the product of very different social, political, and cultural local contexts but they shared a pattern of understanding what the demands of “true belief” were and what an authentically Islamic orthodox creed should mean for Muslims. How to deal with unbelievers is certainly neither a new question, nor a question typical for only one of the branches of Islam.

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1 Schöck, “Belief and Unbelief,” p. 101.

2 “Unbelief” and “apostasy” are intertwined in the classical Islamic sources. See al-Ashʿarī, *Maqālāt*, p. 42.

3 Peters/De Vries, “Apostasy,” p. 5.

Unbelief and the question of whether those who have abandoned Islam are subject to capital punishment have been vividly debated topics among Muslims—Sunnīs, Shīʿīs, and Khārījīs alike. While some scholars, such as the mid-twentieth century ʿAbd al-Mutaʿālī al-Saʿīdī, whose work coincided with the momentum of modern nation building in the Middle East, have elaborated an argument against the “charge of unbelief” (*taḳfīr*) and argued that the apostate should be asked “to repent forever” (*an yustatāba dāʿīman*),⁴ others are less tolerant. In recent years, an increasingly visible proliferation of charges of apostasy (*irtidād*) against members of the Muslim community (*umma*) “has become an effective political and legal weapon in the hands of some radical Muslim groups and individuals.”⁵ In general, contemporary Muslim scholars and movements privileging the accusations of unbelief are drawing upon a set of major tenets and discussions in Islamic sources. Those sources, however, demonstrate that the question of what unbelief encompasses has been subject to change over time. In some periods of Islamic history and in some Muslim states *taḳfīr*—declaring and accusing someone of being an “unbeliever” (*kāfir*)—was clearly shunned as a duty, while in others it was imperatively foregrounded in religious, public, and political life.

By highlighting the Qāḏizādeli movement, the present chapter argues for continuity rather than rupture between the ideas promoted by its adherents and other revivalist strands in Islamic history. Indeed, the Qāḏizādelis might have seemed to many a radical exception to Ottoman tolerance and laxity in the application of Islamic law (*sharīʿa*), and they might well have been such an exception in many ways. However, their struggle for a *sharīʿa*-minded reform brought about through reviving the beliefs and practices of the first Muslim generation in the first/seventh century seems not to have been entirely new; such trends appeared not only in the earlier Islamic experience in general but also in the earlier Ottoman intellectual and religio-political experience. The latter, as we shall see, is a particularly understudied field. The Qāḏizādelis’ vehement appeal for a purification of Islam and their questioning the faith of their contemporary Ottoman coreligionists stirred up controversies that, more than once, ended in violence against those who held different opinions.

I argue that by challenging the religious and political status quo, the preachers of the movement drew upon a two-fold intellectual trajectory: a larger

4 By which al-Saʿīdī (*Hurriyya*, pp. 72, 148, 156) refers to an isolated report (*khabar al-wāḥid*) transmitted by Ibrāhīm al-Nakhāʿī (d. ca. 96/717) that the apostate should “forever be asked to repent.” For further references to this non-prevailing but still existent opinion, see Peters/De Vries, “Apostasy,” p. 15 n. 41.

5 Griffel, “Toleration,” p. 340.

classical and post-classical Islamic revivalist tradition, and an earlier, *sharīʿa*-minded Ottoman religious strand. It is in this sense that the Qāḏizādeli movement was one of the culminations of an already existing trajectory in Islamic history rather than an exception or a radical rupture. Such an argument requires—instead of overemphasizing the (sometimes alleged) Qāḏizādeli tendency to admire and adopt Ḥanbalī doctrines within the Ottoman context—that we also consider strict Ḥanafism, to which the adherents of this movement belonged. I am thus seeking to build an argument for the rise of Qāḏizādelis as a result of the entanglements between this strict Ḥanafism and a larger Islamic revivalist tradition, which is mostly but not exclusively related to the Ḥanbalī *madhhab*.

In what follows, I offer a conceptualization of the Qāḏizādeli movement through the prism of belief vis-à-vis unbelief. In so doing, I shall firstly introduce the concept of *takfīr*, including some of its classical foundations relevant to the debates in the Ottoman age, as a means for distinguishing belief and unbelief. I shall then go on to the Qāḏizādelis themselves, suggesting a framework for inquiry into their role in the spread of heightened awareness of unbelief in the Ottoman age. I shall thus argue that, among other things, the Qāḏizādeli orthodoxy staged in the Ottoman religious scene was distinguished by a strong emphasis on the struggle against unbelief that was embodied in the proliferation of “heretical innovations” (*bidaʿ*), not all of which were to be subsumed under the rubric of *takfīr*, with its strict legal consequences. Finally, I will adduce some instances that delineate some traceable lines of continuity between the Qāḏizādelis, their inspiration, Muḥammad b. ʿAlī al-Birgīwī, known also as Birgili Mehmed Efendi (d. 1573),⁶ and other Ottoman and Arab-Islamic revivalist scholars and religious groups.

1 Discerning Revivalism: The Charge of Unbelief

“Revivalism” is used here to refer to “a stance that formulates its critique of the contemporary state of affairs in terms of a return to an idealized early Islamic period.”⁷ Furthermore, Islamic revival “involves a strengthening of the Islamic dimensions of society. However, intensification of Islamic identity

6 But also as Birgīwī, Birgiwī, Birkawī, or al-Birgawī. The variations are a result of the different readings of the Arabic letter *kāf* (ك), modified as *gef* (ج), used by the Ottomans for the Turkish “g,” in this case for writing the city name Birgi, as well as by the alternative of either an Arabic or an Ottoman Turkish adjectival ending.

7 Hirschler, “Traditions of Revivalism,” p. 196.

is not identical with the characteristic patterns of revivalism.”⁸ Focusing on the eighteenth and early nineteenth century, scholars such as John Voll⁹ and Rudolph Peters¹⁰ have suggested a typology of the “fundamentalist mode of Islamic experience.”¹¹ Voll considers three distinctive features of Islamic revivalism: a call for a return to the Qur’ān and the Sunna; a reaffirmation of authenticity, especially vis-à-vis syncretic tendencies; and, finally, an emphasis on the need to apply *ijtihād*—independent Islamic legal reasoning.¹² Peters emphasizes the attack on the obligatory character of *taqlīd*—the acceptance of or submission to authority, that is, the authority of one of the four major *madhhab*s. The scholars who shunned *taqlīd* and privileged a direct approach to the sources of Islam through *ijtihād* “belonged to the fundamentalist tradition in Islam.”¹³ To Peters, fundamentalist thinking in Islam draws on two major “concept-pairs”: *sunna* (“the normative example of the Prophet”) versus *bid’a*¹⁴ (“a deviation from the *sunna*, or the opposite of the *sunna*”); and *tawḥīd* (“monotheism”) versus *shirk* (“polytheism”).¹⁵

Others, however, have developed an argument against such a typology of revivalism. Ahmad Dallal offers an elaborate critique of those claims that repeatedly speak of “Wahhābī influences” on the thought of the Indian Shāh Walī Allāh al-Dihlawī (d. 1762), the West African ‘Uthmān Ibn Fūdī (d. 1817), and the North African Muḥammad ‘Alī al-Sanūsī (d. 1859). Dallal questions “the theory of a united Islamic revivalism,” and historian Bernard Haykel points out that in spite of its heuristic potential, the theory of a united Islamic revivalism can indeed be misleading. In his study on the Yemeni scholar and reformer Muḥammad al-Shawkānī (d. 1834), Haykel aligns himself with Dallal, emphasizing that “the substantive content of the ideologies of Islamic revival needs to be thoroughly researched before any broad generalizations can be made.”¹⁶

8 Levzion/Voll, *Renewal*, p. 15.

9 Voll, “Sudanese Mahdi,” pp. 145–166.

10 Peters, “Dervishes,” pp. 217–242.

11 Voll, “Linking Groups,” p. 88.

12 Voll, “Renewal,” pp. 32–47.

13 Peters, *Ijtihād and Taqlīd*, p. 131.

14 Innovation, a belief or practice for which there is no precedent in the time of the Prophet Muḥammad. See James Robson, “Bid’a,” *The Encyclopaedia of Islam*. New Edition, vol. 1, p. 1199. On *bid’a* as the opposite of *sunna* and thus as a concept corresponding to “heresy,” see also Lewis, “Observations,” pp. 52f.

15 *Shirk* is usually translated in Western languages as “polytheism,” but the term implies “associationism,” i.e. the act of “associating” other deities to the oneness and unity of Allāh.

16 Haykel, *Revival*, p. 13.

In fact, the scholars suggesting a typology of revivalism remain cautious, too, admitting that the “characteristic pattern of renewal and reform” exploring the “fundamentalist” mode of experience “has some limitations.”¹⁷

A proper grasp of revivalism requires a consideration of orthodoxy, heresy, and the limits of religious pluralism within Islam.¹⁸ The Islamic legal dictum *ikhtilāf al-umma raḥma* (“disagreement within the Muslim community is [a sign of] God’s mercy”), established as early as the second/eighth century,¹⁹ gives a sense of the possibility for internal pluralism. Nevertheless, the answer to the question of why this is so in Islam “cannot be that only Christian societies are concerned with imposing religious conformity.”²⁰ Moreover, the acknowledged “disagreement” concerns certain details in questions of law and ritual, while dissent in dogmatics and religious doctrine (*‘aqīda*) is not encouraged. Muslims from any school are bound to strictly defend their position. Or, as the Ḥanafī scholar Ibn Nujaym al-Miṣrī (d. 970/1563) puts it: “The truth is what we adhere to and the false—what is maintained by our opponent.”²¹ Despite its limits and the overemphasis on Islam as a religion of orthopraxy, orthodoxy has played an important role in all Islamic traditions.²²

Analyzing religion as an anthropologist, Talal Asad suggests that “a tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to *a past* (when the practice was instituted, and from which the knowledge of its point and proper performance has been transmitted) and *a future* (how the point of that practice can best be secured in the short or long term, or why it should be modified or abandoned), through *a present* (how it is linked to other practices, institutions, and social conditions). An Islamic discursive tradition is simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.”²³

17 Levzion/Voll, *Renewal*, p. 14.

18 See Knysh, “Essay of Reassessment.”

19 Schacht, *Introduction*, p. 67.

20 Asad, *Idea*, p. 345.

21 Ibn Nujaym, *Ashbāh*, p. 418.

22 See Calder, “Limits.” For a tentative but more detailed discussion of “orthodoxy” and “orthopraxy” in the study of Islam, see Evstatiev, “Qāḍizādeli Movement,” pp. 15–17. In the same study, I offer also a closer reflection on the relevant discussions around the eighteenth-century “Islamic Enlightenment” (pp. 9–11) and the issue of universal Islam vis-à-vis local contexts (pp. 12–13).

23 Asad, *Idea*, p. 14. For his anthropological views of religion, see Asad, “Anthropological Conceptions,” pp. 237–259.

According to Asad, “Wherever Muslims have the power to regulate, uphold, require, or adjust *correct* practices, and to condemn, exclude, undermine, or replace *incorrect* ones, there is the domain of orthodoxy.”²⁴ The practice of *takfīr* is thus one of the important Islamic discursive traditions demonstrating that “there is an Islamic tradition, a set of ideas, symbols, and interrelated texts and practices which may have a normative (although contested) force.”²⁵

In Western scholarship on Islam the search for the historical evolution of *takfīr* is a rare and only recent phenomenon. When Goldziher studied the accusations of unbelief within the Ash‘arite school of theology (*kalām*), he formulated their legal meaning as follows: a Muslim accused of unbelief has to be excommunicated; after his unbelief is proved in a sound manner he should be asked to repent (*istitāba*), in order to remain a member of the Islamic community (*umma*); and if he fails to do so, he is therefore subject to capital punishment.²⁶ As a whole, this view is widely and conventionally accepted also among Muslim scholars. Ḥamad ‘Ubayd al-Kubaysī, editor of *Shifā’ al-ghalīl fī bayān al-shubah wa-l-mukhīl*, by Abū Ḥamid al-Ghazālī (d. 505/1111), which is one of the major classical Sunnī works dealing with *takfīr*, stresses the general agreement between the Islamic jurists (*fuqahā’*) that the “secret apostate” (*zindīq*), even if he publicly professes Islam (*yaẓhar al-Islām*) has to be killed. Al-Kubaysī points out that disagreement among scholars of Islamic law emerged around the question of whether the repentance of an apostate (*murtadd*) should be accepted or not. Both Abū Ḥanīfa and Aḥmad b. Ḥanbal ruled that the repentance of such an apostate must not be accepted—a view that was shared by Mālik b. Anas, while al-Shāfi‘ī adopted the opposite opinion.²⁷

The Mālikī school of law, which stresses that in order to be branded an apostate a man or woman would have to have professed Islam beforehand, defines *irtidād* as “unbelief [of the Muslim] whose Islam has been established with no doubt” (*kufr ba‘da l-Islām taqarrara*). Mālikīs emphasize that a person’s profession of the Islamic faith should be evident in both words (*qawl*) and

24 Asad, *Idea*, p. 15. Orthodoxy in Islam is viewed as the product of a “network of power” not only by anthropologists but also by Islamicists such as van Ess, *Theologie und Gesellschaft*, p. 686. In Islamic history, religious authority and political power have correlated in cooperation and mutual support. However, quietism has also been an equally significant stance and alternative to the participation of religious scholars in power. Cf. Fierro, “Heresy,” p. 896.

25 Berkey, *Popular Preaching*, p. 7.

26 Goldziher, *Vorlesungen*, p. 182.

27 al-Ghazālī, *Shifā’*, p. 222 n. 7.

actions (*ʿamal*). A person who becomes Muslim by simply pronouncing the Islamic profession of faith (*shahāda*) without observing the Islamic ritual practices, such as prayer (*ṣalāt*), nevertheless cannot be legally declared an apostate.²⁸ Analyzing this peculiarity of Islamic law, Rudolph Peters and Gert de Vries point out that apostasy (*irtidād*) is expressed through unbelief (*kufṛ*), “specified as words implying unbelief, deeds implying unbelief or, according to Shāfiʿite doctrine, the mere intention of unbelief. The apostatical words can be either explicit, viz. solemnly abjuring Islam, or implicit, viz. utterances incompatible with the theological consensus (*ijmāʿ*) or with the axiomatic articles of faith (*mā ʿulima min al-dīn qarūran*).”²⁹

Frank Griffel has suggested that for Goldziher there was little historical development within the verdict of *takfīr*: he “did not distinguish between the status of an unbelieving Muslim and that of a Muslim apostate, and thus he neglected the dynamics of this legal institution.”³⁰ This view reflects subsequent studies on accusations of unbelief and apostasy in Islam, and research on the subject so far has not progressed to the point of outlining the historical development of *takfīr* and its inter-connectedness with *irtidād* and other Islamic concepts used to set a boundary between belief and unbelief. Already al-Shāfiʿī (d. 204/820) had established a clear connection between “unbelief” (*kufṛ*) and “apostasy” (*irtidād*). On the basis of a chapter from al-Shāfiʿī’s *Kitāb al-Umm*, Griffel summarizes the views of the medieval scholar by stating that unbelief as such was not a legal offence incurring a death sentence. The unbeliever would be treated as an apostate only if he publicly and unyieldingly breaks with Islam. In terms of formulation, al-Shāfiʿī argues that one cannot separate the concept of apostasy from unbelief because the legal term “apostasy” cannot be understood without referring to the theological concept of “unbelief.” Therefore, “the application of the legal term ‘apostasy’ is based on three necessary conditions: first, the apostate had to have once had faith according to al-Shāfiʿī’s definition (meaning publicly professing Islam); secondly there had to follow unbelief (meaning the public declaration of a breaking-away from Islam); and thirdly, there had to be the omission or failure to repent after the apostate was asked to do so. These three criteria constitute apostasy and all three are necessary to pass capital punishment on a Muslim, while the first two are sufficient to classify a Muslim as an unbeliever.”³¹ Hence, according to the earlier classical Islamic doctrine, *kufṛ* was an instructive definition that could

28 al-Ḥaṭṭāb, *Mawāhib*, vol. 6, pp. 279f.

29 Peters/De Vries, “Apostasy,” p. 3.

30 Griffel, “Toleration,” p. 340.

31 Griffel, “Toleration,” pp. 348f. Cf. al-Shāfiʿī, *Umm*, vol. 6, pp. 145–65.

serve to accuse someone of unbelief, while *irtidād* was a legally consequential concept referring to a person's final break from Islam. Dealing with the latter, Islamic law has envisaged the most severe among the punishments for the enemies of God—the death sentence.

Three hundred years after al-Shāfiʿī, Abū Ḥāmid al-Ghazālī offered a fresh and more exclusivist Sunnī interpretation of what constitutes true Islamic belief and practice.³² Unlike al-Shāfiʿī, to whom unbelief was not a legal offence, for al-Ghazālī the public profession of Islam did not suffice to make one a believer. Although the latter boldly emphasized the danger of the free practice of *taḳfīr*, an action that should not undertaken lightly, he assumed that—except for commoners—the enemies of the Islamic state and the propagators of incorrect beliefs and practices should be killed, without giving them the right to repentance (*istitāba*):

It is well-known from the revealed law (*al-sharʿ*) that the unbeliever has to be killed (*anna l-kāfir maqtūl*), and we refrain from killing him if he repents. His repentance (*bi-tawbatihī*) is [accepted] to mean that he has abandoned his false religion (*al-dīn al-bāṭil*).³³ However, the secret apostate (*al-zindīq*) does not give up his false religion even if he pronounces the *shahāda* . . . It is therefore licit (*fī ḥaqq*) to kill for his unbelief (*kufṛ*) him whom we consider a permanent unbeliever (*kāfiran mustamirran ʿalā kufrihi*).³⁴

Al-Ghazālī compiled a separate work dedicated to the criteria of distinguishing between Islam and unbelief, in which he set apart chapters dealing with *taḳfīr* and the reasons for which one can be accused of unbelief.³⁵ Al-Ghazālī stresses that *taḳfīr* is a divinely ordained legal judgment (*ḥukm sharʿī*) and as such it enjoins confiscation of the unbeliever's property, the shedding of his blood, and an eternal punishment in hell (*al-ḥukm bi-l-khulūd fī l-nār*).³⁶ Al-Ghazālī thus was the most eminent Islamic theologian during the late classical period to emphasize the necessity of a strict interpretation of *taḳfīr*. In

32 More details on al-Ghazālī's theory of *taḳfīr*, see in Izutsu, *Concept*, pp. 23f.

33 It is not sufficiently clear to me why Griffel ("Toleration," p. 351 n. 53) reads *bāṭin* ("inner") instead of *bāṭil* ("false", but also "invalid")—it does not seem that the text has been corrupted here.

34 al-Ghazālī, *Shifāʾ*, p. 222.

35 al-Ghazālī, *Fayṣal*, pp. 53–67. More about this work see in Jackson, *Boundaries*. For a German translation of the work by Griffel, see al-Ghazālī, *Rechtgläubigkeit*.

36 al-Ghazālī, *Fayṣal*, p. 66.

the subsequent post-classical period, when the central Islamic lands were dominated by the Mamlūks and subsequently by the Ottoman dynasty, *takfīr* re-emerged in the works of Ibn Taymiyya (d. 728/1328) and the Ḥanbalites of Damascus, later discussed by tenth/sixteenth–eleventh/seventeenth-century Ottoman scholars, and culminating in movements as different as the Qāḏizādelis and the Wahhābiyya.

2 The Qāḏizādeli Movement and the Issue of Unbelief

The Qāḏizādeli movement's "fundamentalist challenge"³⁷ and "discordant revivalism"³⁸ evolved from a passionately devout, markedly anti-mystical group of Muslim mosque preachers (Arabic *wu'āz*, sg. *wā'iz*; Turkish *vaiz*) on the periphery of the Ottoman religious establishment—the 'ulamā' hierarchy known in Ottoman Turkish as *ilmiye*. Acquiring a reputation as strict, rigorous, and pious Muslim preachers among their supporters, but designated by their Sufi adversaries in some Ottoman sources as "people of bigotry" (*ehl-i ta'aşşub*),³⁹ the Qāḏizādelis prevailed over their rivals in eleventh/seventeenth-century Istanbul under the successive leadership of Qāḏizāde⁴⁰ Meḥmed Efendi (d. 1045/1635), the Damascene by birth and education Uşūvānī (d. 1072/1661), and Vānī Meḥmed Efendi (d. 1096/1684). They held a firm grip on Ottoman religious and public life during the reign of Sultan Murād IV, with his "conversion to piety,"⁴¹ but began to be identified as "Qāḏizādelis" during the height of their activities around 1061/1650–51—a time coinciding with the reign of Sultan Meḥmed IV.⁴²

During Murād's reign and under Qāḏizādeli pressure, coffeehouses and tobacco were banned on pain of death.⁴³ Smoking infractions resulted in a huge number of executions by dismemberment, impaling, or hanging.⁴⁴ The eminent Ottoman historian Ḥajjī Khalīfa, known as Kātib Çelebi (d. 1067/1657), relates the execution of "fifteen or twenty leading men of the army" on a charge

37 Zilfi, *Politics of Piety*, p. 134.

38 Zilfi, "Kadizadelis," pp. 251–269.

39 Terzioğlu, *Sufi and Dissident*, p. 199.

40 In modern Turkish transliteration: Kadızade, "the son of a judge."

41 Baer, *Honored by the Glory of Islam*, p. 105.

42 Na'imā, *Tārīkh*, vol. 5, pp. 54–59; vol. 6, pp. 227–241. See also Terzioğlu, *Sufi and Dissident*, p. 202.

43 Na'imā, *Tārīkh*, vol. 6, p. 231.

44 Ricaut, *History*, vol. 1, pp. 59, 79.

of smoking during a military expedition against Baghdad undertaken by Murād IV. Despite the “severest torture” in the presence of the sultan, however, “some of the soldiers carried short pipes in their sleeves, some in their pockets, and they found an opportunity to smoke even during the executions.” Although telling with respect to social and religious developments, the Qāḍizādeli-influenced ban on smoking was not a success story: “Even during this rigorous prohibition, the number of smokers exceeded that of the non-smokers.”⁴⁵

The appointment of the Qāḍizādelis as Friday preachers provided them with direct access to the public, and their career path quickly offered them control over the so-called imperial mosques, such as Hagia Sophia (Aya Sofya), Sultan Ahmed, Süleymaniye, Beyazid, Fātiḥ, Selim I, and Shāhzāde. Endowed over the centuries by the reigning lines of the Ottoman family, those imperial mosques were “inherently egalitarian,”⁴⁶ and apart from their ritual functions were a major venue for socializing and public discussions. It is telling that initially the Qāḍizādelis were called “Birgiwī followers” (Turkish *Birgivi khulefāsı*) or simply “Birgiwīs” (Turkish *Birgiviler*), since all of them were religiously and intellectually inspired by the influential conservative religious scholar Muḥammad b. ‘Alī al-Birgiwī. His popularity spanned the entire Muslim world and he became “more than the author of much-copied works”⁴⁷ extensively referenced and commented upon in both Ottoman Turkish and Arabic.

Why then do the Qāḍizādelis seem so enigmatic and invisible outside of Istanbul, when there is an apparent, though not sufficiently articulated, scholarly intuition of their significance over time and space? Were the Qāḍizādelis a part of an interrelated set of Islamic revivalist impulses that included accusing other Muslims of unbelief (*taḳfīr*)? Did this metropolitan movement influence an entire complex network of revivalist groups during the seventeenth and eighteenth centuries, or was it rather one of the (inter)acting groups within a more general trend? The answers to such questions can so far not be given with absolute certainty due to the shortcomings in the state of recent research. Islamic intellectual history, and particularly the substantive teachings of the revivalist groups and their leaders in the seventeenth and eighteenth centuries, has yet scarcely been examined. In general, Islam during the Ottoman centuries has been studied mostly in institutional terms, with a few exceptions, such as in the work of Madeleine Zilfi,⁴⁸ who explores Islamic religious life more broadly in the seventeenth century, which is seen as a period of

45 Kātib Çelebi, *Balance*, p. 51f.

46 See Zilfi, *Politics of Piety*, pp. 129f.

47 Cook, *Commanding Right*, p. 328.

48 Zilfi, *Politics of Piety*.

crisis followed by a more stable eighteenth century. Even Zilfi's seminal work, however, is based on developments in Istanbul alone. As a whole, the career patterns of the *'ulamā'* are traced prosopographically, without examining their output in intellectual history—"the great lacuna in Ottoman history."⁴⁹

The role of the Qāḏizādeli movement outside Istanbul is so far unclear, and the spread of its ideas in the Arab East has until now lacked significant scholarly attention. A chapter in Zilfi's *The Politics of Piety*,⁵⁰ written after an article in Turkish by Ahmet Yaşar Ocak outlined the Qāḏizādelis as a subject deserving special attention,⁵¹ contains what is still the only published historical survey of the movement, while the only monographic studies devoted to it thus far are the doctoral dissertations of Necati Öztürk and Semiramis Çavuşoğlu.⁵² These three works, however, focus heavily on the institutional and urban aspects of the Qāḏizādelis, against the backdrop of central imperial policies, the *'ilmiye*, and the movement's vehement struggle against the Sufis. It seems, however, that even the radical opposition between the Sufis and Qāḏizādelis seems debatable and cannot be taken for granted.

For a long time, scholarship was under the influence of a view promoted by orientalists such as Sir Hamilton A.R. Gibb (1895–1971), according to whom Sufism opposed orthodoxy and the "Arab idea" of Islam; hence a "violent resistance to Sufism" has been expressed at least since the eighth/fourteenth century by "the fundamentalist Hanbalite, Ibn Taimiyya, and his small body of disciples."⁵³ Subsequently, Fazlur Rahman coined the term "neo-Sufism" to denote more specifically the eighteenth-century Sufi revival, which "tended to regenerate orthodox activism."⁵⁴ Until some two decades ago, it was widely accepted that this "neo-Sufism" combined a revivalist Wahhābī creed with a Sufi organizational structure. This convenient model, however, was dismantled by Rex S. O'Fahey and Bernd Radtke.⁵⁵ Sharing their view, Mark Sedgwick emphasized that now for most researchers "Gibb's and Fazlur Rahman's placing of Sufism in opposition to orthodoxy is unjustified."⁵⁶ In his turn, John Voll,

49 Hathaway, "Rewriting," p. 38; cf. Peirce, "Perceptions," p. 10. See also Peters, "Quest," p. 160; cf. Terzioğlu, "Man," p. 141. A notable book dealing with intellectual history is, e.g., Fleischer, *Bureaucrat*.

50 Zilfi, *Politics of Piety*, pp. 129–182.

51 Ocak, "Puritanizm," pp. 208–225.

52 Öztürk, *Islamic Orthodoxy*; Çavuşoğlu, *Qāḏizādeli Movement*.

53 Gibb, *Modern Trends*, p. 24.

54 Rahman, *Islam*, p. 195.

55 O'Fahey, *Enigmatic Saint*, pp. 1–9 and, respectively, O'Fahey/Radtke, "Neo-Sufism," pp. 52–87.

56 Sedgwick, *Saints*, p. 28.

who extensively uses the term “neo-Sufism,” suggested a reconsideration of the activist orders of the late eighteenth and nineteenth centuries.⁵⁷ Historian Derin Terzioğlu suggests that Sufi preachers had distinguished themselves as political commentators long before the emergence of the Qāḍizādelis. She argues that Sufi and non-Sufi preachers during the seventeenth century “had complex relationships, which are not always accurately captured by such words as ‘opposition,’ ‘antagonism’ and ‘conflict.’ To the contrary, a pronounced emphasis on adherence to the Sunna and a puritanical outlook on Ottoman social and cultural life united the reform visions of both groups.”⁵⁸ Was, then, the radical struggle against unbelief promoted by the Qāḍizādelis—but apparently not only by them—part of a deeper and larger-scale religious trend—be it related or not to what Tijana Krstić defines as “confessionalization” or a “Sunnitization” of the Ottoman Empire?⁵⁹

The Qāḍizādeli preachers not only denounced practices of disbelief and innovation by warning their listeners, but “sought to provoke the public and ultimately the Ottoman authorities into action.”⁶⁰ Dror Ze’evi stresses that Muslim reform movements during the seventeenth and eighteenth centuries “did not offer messianic salvation in the form of a charismatic leader. Their main objective was strict adherence to an orthodox interpretation of the law.” Ze’evi concludes that the “Qāḍizādeli conflict had spread across the Ottoman universe,”⁶¹ however without discussing the character and channels of this spreading. The few other studies mentioning the Qāḍizādelis within the social and religious context of the Arab East all focus on late seventeenth- and early eighteenth-century developments in Egypt. Jane Hathaway, analyzing the Qāḍizādeli opposition to Sabbatai Sevi, notes that “in his zeal to emulate the original Muslim community at Medina, Vānī Meḥmed Efendi conceived a goal of making Istanbul a purely Muslim city.”⁶² Two other studies consider an incident around the battered dervishes of Bab Zuwayla, with the Qāḍizādelis

57 Voll, “Neo-Sufism,” p. 317.

58 Terzioğlu, “Sufi Preachers,” p. 243.

59 Krstić, *Contested Conversions*, pp. 12f. Marinos Sariyannis (“Kadizadeli Movement,” p. 263) has suggested an approach to the Qāḍizādelis’ role in Ottoman social history by proposing to study its “well-known ‘fundamentalism’ that arose throughout the seventeenth century in the light of the emergence of new mercantile strata in the same period.” He argues that the movement served the new classes in their struggle for political power in Istanbul and resorts to the paradigm of Max Weber to demonstrate that “Kadizadeli-minded statesmen could use the ‘fundamentalist’ ethics in promoting ‘free-trade’ measures.”

60 Le Gall, “Kadizadeli,” p. 3.

61 Ze’evi, *Producing Desire*, p. 95.

62 Hathaway, “Grand Vizier,” p. 667.

qualifying it as proto-Wahhābī *fitna* in Ottoman Cairo.⁶³ Barbara Flemming later revisited the incident and suggested that it was not proto-Wahhābī as much as neo-Qāḏizādeli.⁶⁴ Rudolph Peters and Barbara Flemming seem to be the only ones to have touched upon a possible connection between the Istanbul movement and the Wahhābī surge in the Arabian Peninsula.

In their studies on Wahhābiyya, scholars such as Michael Cook, Alexander Knysh, and Hamid Algar do not mention any connection with the Qāḏizādelis.⁶⁵ Contemporary Saudi Arabian historians seem to focus on puzzling out the local details without conceptualizing the movement initiated by Muḥammad b. ʿAbd al-Wahhāb (b. 1115/1703, d. 1206/1792) in Najd within the broader Islamic tradition and society.⁶⁶ The contextualization of the Wahhābī movement vis-à-vis its Qāḏizādeli predecessor within the larger Islamic tradition still awaits clarification. The situation is similar regarding the historical evidence at our disposal for the radical purification of public morality in Bilād al-Shām during the late seventeenth and eighteenth centuries. Sources such as al-Budayrī's *Daily Events in Damascus*⁶⁷ and *sijills* provide information about dramatic debates over piety and the measures taken by some ʿulamāʾ and preachers against the proliferation of unbelief through *bidʿa*, wrongdoing, and "evil" (*sharr*), which ranged from evil talk to wine drinking and prostitution, and from coffee drinking to tobacco smoking.⁶⁸ Again, it is unclear whether and how such dramatic events in the Arab East were an echo of the earlier Qāḏizādeli orthodox impulse or of the almost contemporaneous Wahhābī surge.

One of the few discussions of the Qāḏizādeli impact in the Balkans is provided by Derin Terzioğlu, who touches upon some of the earliest traces of the movement's presence in Anatolia and Rumeli, arguing that the followers of Birgiwī had grown up as a social group identifiable not only in Istanbul, but also in the Balkans. She mentions a didactic-cum-comic work composed by a certain Ḥaccī Aḥmed in the town of Yanya (Yanina), in northwestern Greece, in 1056/1646–47. The book includes an inventory of offensive social types and curses them, and also contains an entry on "Birgivi followers (Birgiviler),

63 Flemming, "Vorwahhabitische Fitna," pp. 55–65; Peters, "Islamischer Fundamentalismus," pp. 93–115.

64 Barbara Flemming, unpublished paper given at a conference in Leiden (2002).

65 Cook, "On the Origins," pp. 191–202; Knysh, "Danger," pp. 3–26; and Algar, *Wahhabism*.

66 al-ʿUthaymin, *Muḥammad ibn ʿAbd al-Wahhāb*.

67 al-Budayrī, *Ḥawādith Dimashq*. For more details about al-Budayrī and his eighteenth-century chronicle in Arabic, see Masters, "View," pp. 354–356.

68 Rafeq, "Morality," p. 181.

who show obstinacy in matters in which they are in the wrong.”⁶⁹ In her 2010 article, the Ottomanist Rossitsa Gradeva mentions the issue of orthodoxy in her discussion of the movement and its possible influence in Sofia, referring to Evliya Çelebi (d. 1094/1682), according to whom Sheikh Mehmed, known as Qāḏizāde, “manifested himself here.” Gradeva interprets this passage not as evidence that the founder of the movement was born in Sofia but in the sense that, more importantly, his ideas had spread in the town.⁷⁰ Kerima Filan analyzes the Qāḏizādeli type of “religious fanaticism” in Sarajevo during the eighteenth century, based on notes (*majmua*) by Mula Mustafa Bašeski written between 1760 and 1805. Filan argues that the contents of the notes show that Sarajevo “fanatics” wanted to transform the religious life of the city in the same way “as the Qāḏizādelis did in Istanbul in seventeenth century.”⁷¹

The Oriental Department of the Bulgarian National Library in Sofia has preserved a collection of manuscripts including local copies of and commentaries on Muḥammad Birgiwī’s *al-Ṭarīqa al-Muḥammadiyya*, the content of which and whose interrelation with the transregional movement known as al-Ṭarīqa al-Muḥammadiyya is unstudied. The processing, cataloguing, and analyzing of the Arabic and Ottoman Turkish manuscripts from such important local Rumeli *waqf* library collections as the one in Samokov show that some of the manuscripts, and especially the commentaries on al-Birgiwī’s *al-Ṭarīqa al-Muḥammadiyya* by eighteenth-century scholars such as Aḥmad al-Kashfī al-Samaqūwī⁷² and Aḥmad al-Ikhtimānī⁷³ deserve special further attention, at the very least because these works seem to have been widely used in the Balkans and beyond. There are indications that in some localities, including Samokov, al-Birgiwī’s *al-Ṭarīqa al-Muḥammadiyya* and its commentaries were the most widely borrowed books in the *waqf* libraries. During the month of Ramaḏān 1120/1708, al-Samaqūwī even traveled to Damascus, where he met one of the major commentators on al-Birgiwī, the Sūfī ‘Abd al-Ghānī al-Nābulusī, who polemicized with al-Birgiwī.⁷⁴ Further research on those manuscripts can reveal the trajectories of the spread of al-Birgiwī’s ideas through

69 Hācī Aḥmed, *Risāle-i ‘acibe*, ff. 96b–98b; quoted by Terzioğlu, *Sufi and Dissident*, p. 202.

70 Gradeva, “Churches,” p. 53. The founder of the movement, Qāḏizāde Mehmed Balıkesirli (from Balıkesir), should be, however, distinguished from Qāḏizāde Mehmed Sofyalı (from Sofia; d. 1631/2). See Zilfi, *Politics of Piety*, p. 255.

71 Filan, “Suije i kadizadelije,” p. 186; see also Filan, “Life,” pp. 335–337.

72 al-Samaqūwī, *Sharḥ*.

73 Aḥmad al-Ikhtimānī, *Sharḥ al-Ṭarīqa al-Muḥammadiyya*, MS St. Cyril and Methodius National Library, OP 2364.

74 In his *al-Ḥadiqa al-nadiyya*. Cf. Kenderova, *Knigi*, pp. 91f.

his *al-Ṭarīqa al-Muḥammadiyya*. Alikber Alikberov, who looked through the Samokov *waqf* library, published digitally a short but informative article in Russian defining the *al-Ṭarīqa al-Muḥammadiyya* network as an “ecumenical movement in Islam,” whose Balkan version is characterized by an anti-Christian polemic.⁷⁵ This strand of accusing of unbelief both heretical Muslims and non-Muslims needs further investigation, but this, however, falls beyond the scope of the present chapter.

Since the Qāḍīzadelis struggled against all perpetrators of heretical “innovations,” principal among whom were the Sufis, Derin Terzioğlu, among others, went so far as to designate the mosque preachers’ teaching “a Salafi message,”⁷⁶ while Fariba Zarinebaf, in her recent book on crime and punishment in Istanbul, refers to “the conservative Kadızadeli faction.”⁷⁷ Such a complicated issue of terminology is among the factors enjoining further reflection around the question of how to qualify the movement inside the larger Islamic tradition, and a glimpse into the movement’s views of unbelief could be a step toward this aim.⁷⁸

3 Innovation as a Pathway to Unbelief

Along with the explicit discussions on *takfīr*, understanding how societies—including the Qāḍīzādeli-dominated central Ottoman lands in the seventeenth-century—mark the borderline between what they define as belief and unbelief requires a widening of the framework for inquiry. It involves the role of such key imperatives and concepts as *al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar* (“commanding right and forbidding wrong”), *shirk* (“polytheism” or “associationism”), *jihād* (“holy struggle”), *al-salaf* (“the predecessors”, i.e., the first three generations of Muslims), and *al-khalaf* (“the successors”, i.e., the ensuing generations of the Muslim community), *hijra* (the “emigration,”

75 Alikberov, <<http://islamica.ru/?uid=95>>, accessed 12 February 2014. I would like to thank my fellow Arabist Dr. Anka Stoilova, archivist at the National Library in Sofia, for pointing me to this article as well as for her ceaseless help in my work with Arabic manuscripts.

76 Terzioğlu, *Sufi and Dissident*, p. 194. Although the elaboration of *Salafīyya* as related to Qāḍīzadelis is beyond the scope of this chapter, it must be noted that the designation “Salafi,” and especially “Salafism,” may be confusing as applied to phenomena prior to the twentieth century. See Lauzière, “Construction,” pp. 369–389. For a recent sound analysis of Salafi Islam, see also Haykel, “On the Nature,” pp. 33–38. The Salafi trends in post-classical Islam await closer examination, including in terms of *takfīr*.

77 Zarinebaf, *Crime*, p. 106.

78 Cf. Knysh, *Islam*, pp. 424–426.

implying the avoidance of association with unbelievers), and *bid'a* (innovation). Below, I will demonstrate some of the connections between charges of unbelief and *bid'a*. Despite the leading role the Ḥanafī *madhhab* played across the Ottoman Empire, entanglements among the schools of Islamic law must also be constantly reconsidered in analyzing such religious transformations as the adoption of the ideas of Ibn Taymiyya and his influential pupil Ibn Qayyim al-Jawziyya (d. 751/1350) by the Qāḍīzādelis, by their inspirer al-Birgīwī, and by other Ḥanafīs. Examining such factors will shed further light on whether the Qāḍīzādeli-revived interest in the Damascene Ḥanbalīs was a continuation of a trend among some Ottoman *'ulamā'* traceable back to the sixteenth century, and if so, why that happened. However, sometimes apparent similarities can be misleading.

In his 2010 study, Khaled El-Rouayheb suggests that “the views of Birgīwī and his Kadizadeli followers may have been rooted, not in the thought of Ibn Taymiyya, but in an intolerant current within the Ḥanafī-Māturīdī school, represented by such scholars as 'Alā' al-Dīn al-Bukhārī (d. 842/1438), who famously declared both Ibn 'Arabi and Ibn Taymiyya unbelievers.”⁷⁹ Al-Birgīwī's *al-Ṭarīqa al-Muḥammadiyya* is so heavily loaded with traditions (*hadīths*) that Michael Cook writes that “whether we should see in this an indication of the persistence of a traditionalist trend in Ḥanafism, antithetical to the predominant Māturidite theology, is more than I can say.”⁸⁰ Therefore, “closing the circle” around the Qāḍīzādelis, with their undisguised admiration for Ibn Taymiyya's appeal for the eradication of blasphemous practices and unbelief,⁸¹ demands firstly clarifying the foundations of their teachings to a sufficiently satisfactory extent, and then proceeding further with revealing the transregional and post-seventeenth-century spread of their revivalism. In other words, a first approximation invokes a retrospective approach to the sources of Qāḍīzādeli attitudes toward the question of setting a strict boundary between belief and unbelief.

Al-Birgīwī, who is generally recognized as the inspirer of the Qāḍīzādelis, deals with accusations of unbelief in his *al-Ṭarīqa al-Muḥammadiyya*, while extensively discussing piety (*taqwā*), which Katharina Ivanyi sees as “at the

79 El-Rouayheb, “Changing Views,” p. 304.

80 Cook, *Commanding Right*, p. 324 n. 127.

81 It is telling that the founder of the movement, Qāḍīzāde Meḥmed Efendi, expressed his political views through an expanded translation of Ibn Taymiyya's *al-Siyāsa al-shar'iyya* into Ottoman Turkish, entitled *Tāci 'r-resā'il ve minhācū l-vesā'il*, which he presented to Sultan Murād IV. For more details about this work, including about its possible attribution to another author, see Çavuşoğlu, *Qāḍīzādeli Movement*, pp. 93ff.

heart of Birgiwī's concern in more than just a symbolic sense."⁸² Explicitly, al-Birgiwī mentions *takfīr* only twice. The first mention is in the very introduction to his chapter on *taqwā* and appears after passages heavily loaded with Qur'ānic verses demonstrating the religious significance of piety. Following these verses al-Birgiwī offers a classification of the various religious doctrines and ritual practices of which *taqwā* is "the ultimate aim" (*ghāya*), such as ritual worship (*'ibāda*), *dhikr*, fasting (*ṣawm*), and justice (*'adl*). Al-Birgiwī states that among the things constituting *taqwā* is also *takfīr al-sayyi'āt*—the need for pious believers to accuse of unbelief those Muslims who are performing "bad things."⁸³ The second explicit occurrence of *takfīr* is in the same chapter on piety, in al-Birgiwī's explanation of the linguistic and legal aspects of *taqwā*.

According to al-Birgiwī, *taqwā* has two meanings in divine law (*fi l-sharī'a*)—one general and one particular. In its particular meaning, *taqwā* refers to guarding the self from that which incurs punishment (*'uqūba*) and especially from grave sins (*kabā'ir*). Al-Birgiwī then goes on to tackle the question of whether or not minor sins (*ṣaghā'ir*) deserve legal punishment, and he formulates his opinion against the backdrop of two opposite positions:

As to the minor sins, [some jurists] have said that they do not [deserve legal punishment] because through them a redemption for refraining from great sins is acquired and therefore they do not deserve to be punished. Others say "yes" because some exegetes have attributed the grave sins mentioned in the Qur'ān to the different types of idolatry, but no charge of unbelief is designated [for the minor sin] (*wa-amma l-ṣaghā'ir fa-qīla lā li-annahā mukaffara 'an ijtināb al-kabā'ir fa-la-yastahiqqu bihā l-'uqūba, wa-qīla na'm li-annā ba'd al-mufasssīrīn ḥamalū l-kabā'ir fi āyat al-karīma 'alā anwā' al-shirk fa-lam yata'ayyan al-takfīr*). Thus the punishment for the minor sin is optional (*jā'iz*) if the Sunnīs are refraining from committing grave sins.⁸⁴

However, although this passage might seem casuistic and obscure in some of the phrasing, it becomes clear enough that al-Birgiwī is very cautious when calling for *takfīr*. On an explicit level, in this major work for a general Muslim audience, he prefers to mention *takfīr* only negatively, meaning that it is not

82 Ivanyi, *Virtue*, p. 131. I am indebted to Katharina Ivanyi for providing me with a copy of her recent unpublished PhD dissertation as well as for her fruitful comments during our conversations in Princeton.

83 al-Birgiwī, *Tarīqa*, p. 37.

84 al-Birgiwī, *Tarīqa*, p. 39.

to be applied regarding the minor sins. As for the grave sins, they are subject to their respective punishments (*uqūba*), but it seems to remain an open question as to whether those punishments include excommunication and whether the grave sinner should be treated as an apostate (*murtadd*) who can be legally punished with all irreversible consequences.

Nevertheless, al-Birgiwī's views of other subjects distinguish him as a puritanical thinker calling for a stricter interpretation of the *shar'ā*. It is telling that he particularly foregrounded his concerns about the proliferation of blasphemous innovation (*bida'*). In his detailed classification of innovation, which appears at the very beginning of *al-Ṭarīqa al-Muḥammadiyya*, right after the chapter on the imperative to adhere strictly to the Qur'ān and the Sunna, al-Birgiwī considers how *bid'a* relates to unbelief (*kufṛ*). Some kinds of "innovation in faith" (*al-bid'a fī l-i'tiqād*) are tantamount to *kufṛ*, while others are equal to grave sins (*kabā'ir*).⁸⁵ Al-Birgiwī thus seems more inclined to struggle directly against the kinds of *bid'a* that are tantamount to *kufṛ* rather than calling for a focus on *takfīr*, which is too closely linked to apostasy and hence to excommunication. As a religious scholar al-Birgiwī is fully aware that *takfīr* is consequential and he tends to avoid its direct usage, placing emphasis instead on heretical innovations (*bid'a*). It seems that his Qāḍizādeli followers, and especially Vānī Meḥmed Efendi,⁸⁶ continued to weigh *bid'a* more heavily than other possible accusations that might be related to unbelief (*kufṛ*), but nevertheless they introduced a strongly activist element into the accusation of unbelief against other Muslims and non-Muslims.

The struggle against blasphemous *bid'a* was revived during the seventeenth century in a treatise "On the Visitation of Graves" (*Ziyārat al-qubūr*), until recently attributed to al-Birgiwī, under whose name the work has been published and is distributed widely until today. Significantly, this treatise is extremely popular among Salafī, including Wahhābī, religious groups. In 2010, however, the Turkish scholar Ahmet Kaylı, in a study of al-Birgiwī's misattributions, developed a cogent argument that the treatise attacking popular practices among Sufis and other Muslims was not actually compiled by al-Birgiwī. Kaylı suggests that the author of this work written in Arabic is most probably al-Birgiwī's admirer Aḥmad al-Rūmī al-Aqḥiṣārī (d. 1041/1631 or 1043/1634)⁸⁷ — "the forgotten puritan from Anatolia" as Yahya Michot calls him, because this

85 al-Birgiwī, *Ṭarīqa*, p. 12.

86 On the mutual accusations between Vānī Meḥmed and the Sufi Niyāzī-i Miṣrī (d. 1694) see Çavuşoğlu, *Qāḍizādeli Movement*, p. 177f., as well as Terzioğlu, *Sufi and Dissident*, pp. 128–32.

87 Kaylı, *A Critical Study*, pp. 52–66.

religious scholar “is almost completely absent from modern studies of the Ottoman 10th/16th–11th/17th centuries.”⁸⁸

The treatise on the veneration of tombs ascribed to al-Birgiwī opens with explicit mention of Ibn al-Qayyim:

I have selected these pages from the book of Imām Ibn Qayyim al-Jawziyya *Ighāthat al-lahfān min maṣāʾid al-shayṭān*, adding also some things that I have found in other works, because many nowadays worship some of the graves like idols. They pray next to them, perform the sacrificial rite, do things and say words that do not befit believers. Thereby, I wanted to clarify what is fixed in *sharʿa* regarding this issue, so anyone who is determined to correct his faith can start discerning right from wrong, the truth from the lie of the Devil, salvation from eternal torment in Hell, and the gate to Paradise.⁸⁹

Although the question of the veneration of tombs is not among the issues most extensively dealt with in *al-Ṭarīqa al-Muḥammadiyya*, in several passages al-Birgiwī explicitly expresses his view that the visitation of graves is forbidden.⁹⁰ His opinion on this question is thus not different from the views of Ibn Taymiyya and Ibn al-Qayyim. Therefore, no matter whether the actual authorship of *Ziyārat al-qubūr* should be attributed to al-Birgiwī or to his contemporary al-Aqḥiṣārī,⁹¹ which is otherwise an important source-critical puzzle, the compilation and wide circulation of this treatise are important evidence of the keen interest in the ideas of Ibn Qayyim al-Jawziyya and his famous Ḥanbalī teacher Ibn Taymiyya⁹² among Ottoman scholars, not only during the seventeenth but also during the sixteenth century.

On the other hand, however convincing the arguments for the lack of explicit references to Ibn Taymiyya in al-Birgiwī’s works might seem, at this point a more

88 Michot, *Aḥmad al-Rūmī al-Aqḥiṣārī*, p. 3.

89 al-Birgiwī, *Ziyārat al-qubūr*, p. 7. Michot (*Aḥmad al-Rūmī al-Aqḥiṣārī*, p. 1 n. 2) indicates that the copy of al-Aqḥiṣārī’s treatise on the same topic, although entitled *Radd al-qabriyya* or *Risāla fī al-radd ‘alā l-maqābirīyya*, opens with the same explicit reference to Ibn al-Qayyim.

90 al-Birgiwī, *Ṭarīqa*, pp. 181, 196, 216. Cf. Ivanyi, *Virtue*, pp. 37f. n. 87.

91 Who should not be confused with the Bosnian religious scholar Ḥasan al-Kāfi al-Aqḥiṣārī (d. 1024/1615).

92 Derin Terzioğlu (“Bir tercüme”) studied the translation of Ibn Taymiyya’s work *al-Sīyāsa al-sharʿiyya* by ‘Āṣiq Çelebī (d. 979/1572) presented to Sultan Selīm II and showed that both Ibn Taymiyya and Ibn al-Qayyim were well known and read in seventeenth-century Anatolia.

implicit, unacknowledged influence of the medieval Damascene Ḥanbalī should not be excluded from the whole picture. In 2004, in a textual study conducted in Arabic that included an edition of al-Birgīwī's work *Dāmighat al-mubtadi'īn wa-kāshifat butlān al-mulḥidīn*, the Saudi researcher Sulṭān Ibn 'Abd Allāh al-'Arrābī developed a strong argument for how al-Birgīwī, whom he considers a great renewer (*mujaddid*) in Islam during the 10th/16th century,⁹³ directly borrowed from Ibn Taymiyya, though without explicit acknowledgment.⁹⁴ It thus turns out, for instance, that with respect to the question of the proliferation of *bid'a*, al-Birgīwī elaborated his accusation of unbelief (*takfīr*) against the rationalist theological schools of the Mu'tazila and the Qadariyya by reiterating what was already opined by Ibn Taymiyya.⁹⁵

Al-'Arrābī delineates three types of sources on which al-Birgīwī draws: widely quoted and generally recognized Islamic sources such as the classical *ḥadīth* collections; works he cites explicitly, such as those by al-Ghazālī or Ibn al-Jawzī; and, finally, sources from which al-Birgīwī borrows—sometimes directly—without mentioning them explicitly.⁹⁶ Ibn Taymiyya and Ibn al-Qayyim fall into the third category: al-Birgīwī borrowed heavily from them, including even entire pages, but did not mention them as references. Al-'Arrābī then speculates that al-Birgīwī may have been motivated in this by caution: if he had explicitly acknowledged his admiration for Ibn Taymiyya's school, his works would have been not so widely accepted and might have even been rejected and suppressed by the ruling Ottoman religious establishment. Accordingly, al-Birgīwī borrowed from Ibn Taymiyya, including whole passages from his *fatāwā*, but in doing so, as al-'Arrābī puts it, he was "just very slightly modifying them" (*bi-taṣarruf yasīr jiddan*).⁹⁷ If this claim reflects a contemporary Salafī-Wahhābī trend in Saudi Arabia to justify utilization of the work of authors like al-Birgīwī, I can so far not say with certainty. However, this argument seems to be based on solid textual research and as such is worth considering in establishing the inter-connections between Ibn Taymiyya, al-Birgīwī, and the Qāḍīzādelis.

As often happens in Islamic history, one and the same scholar can adopt views that, at first glance, seem to contradict to one another. In this case, even if al-Birgīwī agrees with Ibn al-Qayyim in the debates over the visitation of graves, this does not necessarily mean that the Ottoman scholar was influenced

93 al-'Arrābī, *Dāmighat al-mubtadi'īn*, p. 52.

94 al-'Arrābī, *Dāmighat al-mubtadi'īn*, p. 125.

95 al-'Arrābī, *Dāmighat al-mubtadi'īn*, p. 198.

96 al-'Arrābī, *Dāmighat al-mubtadi'īn*, p. 111.

97 al-'Arrābī, *Dāmighat al-mubtadi'īn*, p. 114.

by the noted Ḥanbalī of Damascus in any other aspect of religious doctrine. In his *al-Ṭarīqa al-Muḥammadiyya*, al-Birgīwī treats the study of disciplines such as speculative theology (*kalām*) and logic (*manṭiq*) as *farḍ kifāya*—a collective duty of the Muslim community—a view that, as El-Rouayheb rightly stresses, was “vehemently denied by Ibn al-Qayyim.”⁹⁸ Al-Birgīwī’s view can be explained by the contextual Ottoman traditions during his time and by the complexity of Islamic learning in general. Even though a wholesale borrowing from Ibn Taymiyya or Ibn Qayyim al-Jawziyya should be imputed neither to al-Birgīwī nor to all his Qāḍizādeli followers, evidence of such an influence should not be neglected either.

The whole picture of the spread of more puritanical *sharīʿa*-minded ideas centering on establishing an Ottoman Islamic orthodoxy does not, however, involve only classical Middle Eastern influences and references to scholars from the Arab East. It seems that in the sixteenth century there were already Ottoman scholars prepared to wage this battle “from within.” Typical of that trajectory is the activity of two scholars, both of whom switched from a military career to the ranks of the *ʿulamāʾ*: the Ottoman prince Shāhẓāde Qūrqūd (d. 1513),⁹⁹ who spent a certain time in Mamlūk Egypt, and the famous Kamāl Pāshāẓāde (d. 1534),¹⁰⁰ the most influential scholar of the formative period of the Ottoman Islamic religious establishment. Both of them tried to revive the classical Sunnī doctrine demarcating the boundaries between belief and unbelief for the purposes of the Ottoman state. In so doing, they provided a fresh view of *takfīr*, which contributed to the line already drawn in the works of al-Ghazālī and some Ḥanbalī scholars after him, such as Ibn Taymiyya and Ibn Kathīr (d. 774/1372–3), who are famous, among other things, for their appeal to Muslims to struggle against those who follow laws created by human beings instead of divine law (*sharīʿa*).

In terms of how to recognize unbelief and how to treat unbelievers, the concerns of the sixteenth-century Ottoman scholars were already highly complex. They involved the tension between the strict application of *sharīʿa* and the various innovations related to the *qānūn*, which—unlike divine law—expressed the will of the sultan, or even “heretical” interpretations of Islamic doctrines,

98 El-Rouayheb, “Changing Views,” p. 303. For the revival of the study of logic during the seventeenth century see idem, “Revival.”

99 The name is widely written in modern Turkish script as Şehzade Korkud. See [Shāhẓāde] Qūrqūd, *Hall ashkāl al-afkār*, a recent Turkish translation of his treatise against unbelievers, written in Arabic, containing a facsimile of the manuscript.

100 Known as Ibn-i Kemāl or Kemalpaşazade, when using modern Turkish script for Ottoman names. More about his muftiship see Repp, *Müfti*, pp. 224–239.

such as those of the Shī'a (represented mainly by the Ṣafavid-supported Qizilbāsh branch). Eventually, the classical question of who is an apostate re-emerged, and those Ottoman scholars found it necessary to broaden the scope of the rulings that had been suggested by al-Ghazālī. What to do with hidden unbelievers, with those who secretly profess a "false faith" or do not have any faith? How does one identify the hidden unbelievers among all those who publicly declare themselves believers?

These questions underlie some of the religious discussions to which Ottoman scholars of the sixteenth century, and particularly Shāhzāde Qūrqūd and Kamāl Pāshāzāde, made their own contribution. And whereas the latter compiled a work entitled *Risālat Takfīr al-rawāfiḍ* specifically targeting the Qizilbāshīs but including a more general explanation of the accusations of unbelief, Qūrqūd tackled the issue in a theological treatise, where he demonstrated how to discern the hidden unbelievers: Among other things, unbelievers wear clothes typical of non-Muslim communities, their attitude to the Qur'ān and the *ḥadīth* is disrespectful, they venerate idols or the sun, offer animal sacrifices, claim false prophethood, and practice sorcery.¹⁰¹ Drawing upon al-Ash'arī's definition of faith (*īmān*) as "sincerity" (*taṣḍīq*),¹⁰² Qūrqūd thus eventually broadened the answer to the question he put to himself of who is a Muslim and who is an apostate. Hidden unbelievers could be declared apostates, which opened the gate for new debates over the boundaries of belief and unbelief in the Ottoman age.

Subsequently, during the seventeenth and eighteenth centuries, some of the most indicative examples of the spread of a shared intensification of orthodox belief are provided by the revived call for a ruthless struggle against the proliferation of blasphemous innovation (*bid'a*) and for strict performance of the duty of "commanding right and forbidding wrong" (*al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar*), which, prior to the seventeenth century, "does not seem to have been a prominent feature of the Ottoman religious scene."¹⁰³ When in the whole second chapter of his *al-Ṭarīqa al-Muḥammadiyya* al-Birgiwī extensively deals with pernicious "innovations" he adduces a great deal of *ḥadīth* material to demonstrate that this is a subject of general importance for all Muslims: "Ibn al-Ḥārith reports that the Prophet said: There is no community (*umma*) introducing in its religion innovations after its prophet which did not

101 [Shāhzāde] Qūrqūd, *Ḥāfiẓ al-insān*, ff. 191a–215b. Cf. al-Tikriti, *Şehzade Korkud*, p. 161 n. 19.

102 This second form, *taṣḍīq*, means particularly "accepting s.o.'s sincerity".

103 Cook, *Commanding Right*, p. 328.

thus destroy the Sunna (*mā min ummatin abdaʿat baʿda nabiyyihā fī dīniha bidʿatan illā aḍāʿat mithlahā al-sunna*).¹⁰⁴

The Qāḍizādeli followers of al-Birgiwī were notorious for their insistence that it was the unavoidable duty of every true Muslim to actively “command right and forbid wrong.” As Madeline Zilfi writes, Qāḍizāde Meḥmed “asked of his adherents not only that they purify their own lives, but that they seek out sinners and in effect force them back onto ‘the straight path.’” Indeed, it was the task of all preachers to mention the duty of *al-amr bi-l-maʿrūf*, but Qāḍizāde “introduced an ‘activist element’ that demanded that his listeners not only take an intellectual position but strive to make that position a reality in the community at large.”¹⁰⁵ Kātib Çelebi, himself a disciple of Qāḍizāde, covered the development of the movement, trying to take a neutral stance with respect to its controversies with the Sufis. Nevertheless, Kātib Çelebi noted that the Qāḍizādelis were too demanding of the believers:

... If the people of any age after that of the Prophet were to scrutinize their own mode of life and compare it with the Sunna, they would find a wide discrepancy. ... Scarcely any of the sayings or doings of any age are untainted by innovation. ... For the rulers, what is necessary is to protect the Muslim social order and to maintain the obligations and principles of Islam among the people. As for the preachers, they will have done their duty if they gently admonish and advise the people to turn towards the Sunna and to beware of innovation (*bidʿa*). The duty of complying belongs to the people; they cannot be forced to comply.¹⁰⁶

The perception of there having been a deviation from the straight path and of the need for a new socio-moral reconstruction, which motivated the passionate efforts of the urban Qāḍizādeli movement, seemingly also spanned the Ottoman Arab world in the late seventeenth and eighteenth centuries. An example is provided by Damascus during the reign of the powerful local notables, the ʿAẓms (ruled 1138/1725–1197/1783). Whether it is due to the policy of the ʿAẓms or to a “neo-Qāḍizādeli” influence that spread eastwards, or to a combination of these factors, breaches of Islamic morality requiring the pursuit of “commanding right and forbidding wrong” strongly attracted public attention. Muslims conceived of this as the result of a long-lasting distortion of their original faith, the corruption of which was a consequence of the

104 al-Birgiwī, *Tarīqa*, p. 11.

105 Zilfi, *Politics of Piety*, p. 137.

106 Kātib Çelebi, *Balance*, p. 90.

proliferation of innovation (*bid'a*).¹⁰⁷ The eighteenth-century Syrian chronicler al-Budayrī censures the moral laxity of his fellow Damascenes in a time when women sitting by the river, eating, drinking coffee, and smoking tobacco outnumbered men. Prostitution increased in Damascus in the sixteenth and seventeenth centuries, but not to the extent noted by the chroniclers in the eighteenth century:

In those days depravity grew (*izdāda al-fasād*), the worshipers were oppressed (*ḡalumat al-'ubbād*), the number of lewd women (*banāt al-hawā'*) in the bazaars increased night and day. Among the events that happened during the reign of As'ad Pasha [al-'Azm] those days is the following. A prostitute was infatuated, falling in love with a young man from the Turks who fell ill, so she vowed that if he was cured of his illness she would arrange a celebration in his honor with Shaykh Arslan. Soon the young man did recover and the prostitutes of the city (*mūmisāt al-balad*) gathered in a procession across the bazaars of Damascus, carrying candles, lamps, and incense burners with fragrance, clapping their hands and beating tambourines. The people crowded around them and rejoiced, while the prostitutes were with unveiled faces and with their hair loose. And there was nobody to censure this reprehensible act (*wamā thamma nākir li-hādhā l-munkar*), whilst the pious and devout people just raised their voices crying "Allah is the greatest" (*Allāhu akbar*).¹⁰⁸

If the demands of pious individuals in Damascus faced the indifference of the ruling elite and even the judicial authorities, developments in Arabia took another direction—towards restoration of the original "true" beliefs and practices of Muslims. In Najd, in the central Arabian Peninsula, Muḥammad b. 'Abd al-Wahhāb and his followers initiated a rigorously puritanical movement, which soon established an alliance with the Ibn Sa'ūd family: "[Sa'ūd] ordered the inhabitants of Jeddah and Mecca to give up the smoking of tobacco, which is not permitted to be sold in the tavern. He ordered the people to enter the mosques when they hear the call for prayer (*al-ādhān*). He ordered the 'ulamā'

107 Abdul-Karim Rafeq ("Morality," p. 181) writes that breaches of the moral code "ranged from evil talk to wine drinking and prostitution." Coffee and tobacco, unlike opium, which was socially accepted and widespread, were prohibited earlier, but smoking was again legalized in the late sixteenth century, "and its addicts included a number of highly-placed 'ulamā' in Damascus."

108 al-Budayrī, *Ḥawāḍith Dimashq*, p. 112.

to read the works composed by Ibn ‘Abd al-Wahhāb.¹⁰⁹ As a powerful movement against the proliferation of *bid‘a*, the Wahhābiyya often practiced violent *takfīr* towards their “corrupted” Arabian society, which they regarded as the land of savagery, blasphemy, and unbelief.¹¹⁰

Wahhābī steps to restore Islam as they imagined it to have been practiced by the *salaf* recall some of the actions taken in the preceding century by the Qāḏizādelis. And if in Istanbul the Qāḏizādeli alliance with imperial power came to an end in the 1680s, their revivalist intensification of Islamic identity and their striving to re-establish orthodoxy presumably extended in other directions and intertwined with the great revival and reform movements of the eighteenth century. However, the rise of the Qāḏizādeli movement in the seventeenth century and the spread of Islamic revivalism in the eighteenth century seem to have been preceded not only by the notorious late-medieval Middle Eastern tradition of a stricter and more literalist interpretation of Islam offered by such Ḥanbalī scholars as Ibn Taymiyya and Ibn al-Qayyim but also by a more “indigenous” strand of Ottoman puritanism, the proper understanding of which requires further work.

The ideas promoted by some sixteenth- and early seventeenth-century Ottoman predecessors of the Qāḏizādeli preachers, such as Kamāl Pāshāzāde, Shāhazāde Qūrqūd, and Aḥmed al-Rūmī al-Aqhiṣārī, together with al-Birgiwī himself, show that, however different these scholars might have been otherwise, there was also a clearly identifiable revivalist strand in the Ottoman religious scene. Despite the connections between these scholars and the existence of institutionalized religious networks, all of them shared a common revivalist opinion of what belief and unbelief were. Those scholars were concerned about setting stricter boundaries between belief and unbelief, including by reviving *takfīr*, prior to Qāḏizāde Meḥmed Efendi and his contemporary and later interlocutors. At this stage of research, it seems that just as their inspirer al-Birgiwī had done, the Qāḏizādelis themselves foregrounded the need to eradicate *bid‘a* as more urgent than *takfīr* as a legal charge *stricto sensu*. Nevertheless, often their accusations of *bid‘a* were no less consequential than the classical idea of *takfīr* implies and reflected a deep conviction that the world around the few true believers was being corrupted by the spread of unbelief. This emphasis on *bid‘a* seems to be among the particular contributions of the revivalist Qāḏizādeli movement and their orthodox Ottoman predecessors. When

109 Daḥlān, *Khulāṣat al-kalām*, p. 292.

110 For a recent analysis of the political context of early Wahhābī discourse on *takfīr* see Firro, “Political Context.” See also Fattah, “‘Wahhabi’ Influences.”

practising the accusations of *bid'a*, the Qāḍizādelis more than once seemed as if they practised *takfīr*.

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The *takfīr* of the Philosophers (and Sufis) in Safavid Iran

Sajjad Rizvi

It is often repeated, and has been in the biographical literature since the late Qajar period and again reiterated in a recent television drama entitled *Rawshantar az khamūshī* (“Brighter than Darkness”) on Iranian state television, that the famous Safavid thinker Mullā Ṣadrā Shīrāzī (d. 1045/1635) suffered harassment and anathemisation at the hands of the exoteric ‘*ulamā*’ and jurists for his views. A famous Qajar period charge sheet prepared by the gossip columnist Mullā Muḥammad Tunikābunī (d. 1310/1892), and cited by Mīrzā Ḥusayn Nūrī (d. 1320/1902), a tradent hostile to philosophy, mentions five points of contention that led to the *takfīr*:¹ first, Mullā Ṣadrā was accused of following the heretical monism of (the Sunnī) Ibn ‘Arabī (d. 638/1240)—*waḥdat al-wujūd*—including the notion that all are saved including the Pharaoh in the famous medieval debate on his faith. This accusation was thus questioning the authenticity of his Shī‘ism. Second, and concomitantly, he was accused of denying the eternity of punishment in hellfire for the rejecters. Third, he apparently denied the Qur’ānic account of the resurrection of the physical body. Fourth, he professed a monistic approach to love in which sacred and profane love were identical. Finally, he proposed a hierarchical heaven in which those of knowledge—ultimately *ḥukamā*’ like himself—found a high rank. I have in previous publications cast doubt on the contemporaneity of these accusations—they are rather late, and the earliest actual mention of harassment that he might have faced comes in writings produced after his death.² While there can be little doubt that he certainly held some of these ideas—and in that he would not have been unique in the Safavid period—the earliest attack on him focusing on the adherence to monism came in the work of a contemporary that was written after Mullā Ṣadrā’s death as we shall see later. Mullā Ṣadrā did himself complain in numerous works about the inability of his contemporaries to understand and appreciate fine, sophisticated arguments in philosophy

1 Tunikābunī, *Qīṣaṣ al-‘ulamā*, p. 109; Nūrī, *Mustadrak al-wasā’il*, vol. 4, pp. 422f.; cf. Ḥaḳīqat, *Tārīkh-i ‘ulūm va falsafa-yi Irān*, pp. 767–69.

2 Rizvi, “Reconsidering the life of Mullā Ṣadrā Shīrāzī”; idem, *Mullā Ṣadrā Shīrāzī*.

and taste in mystical experience. At the end of his treatise on the creation of acts (*Khalq al-a'māl*), he wrote:

You can see the proliferation of false doctrine and innovations in an age in which ignorance and misguidance dominate people and in which denial and refutation are disseminated such that the acquisition of metaphysical knowledge is considered to be shameful and unworthy. Through their denial of true (experiential) knowledge, they seek to acquire status and prominence, and one wonders whether adherents of the knowledge of God's unity will become extinct in these lands.³

While this and other statements amount to a feeling of dejection and opposition, it does not amount to an attestation of *takfīr*. However, the charges against Mullā Ṣadrā summarize quite well the key issues for which philosophically-minded thinkers and theologians were criticized in a number of later Safavid-era works in a Shī'ī context. There were two types of attack on philosophy in the period. The first came from the Akhbāriyya who rejected the rationalist hermeneutics of the text and reality that seemed to deny the superior knowledge of the Imams (and this condemnation still finds some purchase among the *maktab-i tafkīk* in the contemporary Shī'ī *hawza*). The second came from a number of traditionally-minded scholars worried about the influences of antinomianism and elitism associated with Sufis and philosophers expressed in works of condemnation such as the *Ḥadīqat al-shī'a* of pseudo-Ardabilī and *Salwat al-shī'a* of Mīr Lawḥī (d. 1083/1672). The present contribution will focus on the latter and on the five charges cited above. The tentative conclusions which one could draw suggest that the problem with philosophy was not the rational hermeneutics of the text it addressed; rather it was the association with the Sunnism of the school of Ibn 'Arabī, its commitment to a metaphysics of monism, and the socially disruptive elitism of the *ḥukamā'*. Similarly, there was a gradual development in the anathema of philosophy over the Safavid period, which points to wider social and political shifts that coincided with a changing attitude towards both the popular practice of Sufism and the metaphysical Sufism of elite courtiers.

Ever since the pioneering works of Ahmad Kasravi (d. 1946) and 'Alī Shari'ati (d. 1977) in the middle of the twentieth century, a debate has raged about the roots of what we now see as traditional Shī'ism that has located its origins within the Safavid period—practices, devotions, rituals, and the clash of ideas

3 Mullā Ṣadrā, *Khalq al-a'māl*, pp. 318f.

were arguably crystalized in the crucible of this time.⁴ A significant element of this was a quest to find the roots of authentic Shī'ī thought and a conflict that emerged between what Marshall Hodgson famously called the *sharī'a*-minded scholars and those more inclined towards forms of mystical and rational speculation. The origins of the Safavid dynasty itself as a Sufi order meant that once in power they did their best to eradicate rival claimants to authority predicated on charismatic, spiritual status. In a complex set of political developments, Sufism and the study of philosophy, which had been very much part of the intellectual and spiritual landscape of Iran, gradually came under suspicion of being inauthentically Shī'ī. I shall examine some of these attacks on philosophy and Sufism, closely related as alien and often Sunnī in a stridently Shī'ī context, from the seventeenth century, which forced mystically and intellectually inclined '*ulamā*' to forsake *falsafa* for *ḥikmat* and *taṣawwuf* for '*irfān*. The debate still continues today—and although the prestige of *ḥikmat* and '*irfān* has greatly risen because of their association with leading revolutionaries such as Ayatollah Khomeini, they remain contested disciplines which, for some, are quite distinct and alien to the essential scholarly training that is needed for followers and propagators of the Imams' teachings. But before I consider the Safavid discourses, I want to present three modalities of objections to philosophical inquiry and the process of *takfīr*, of othering and delegitimizing the study and practice of philosophy that one can discern in Shī'ī contexts.

First, there is the *tahāfut* genre of attacks upon philosophy, not so much focusing upon philosophical inquiry as such and the validity of its method but rather critiquing the very enterprise of speculative metaphysics, as opposed to a vision of reality that is more embedded in the scripturalist traditions of the faith, and rounding upon, as al-Ghazālī (d. 505/1111) famously did in his *Tahāfut al-falāsifa*, three particular doctrines of the philosophers that entail an act of *kufīr*, namely holding that the cosmos is eternal and coeval with God, that God does not know things and events in the cosmos in their particularity, and that corporeal resurrection is philosophically impossible and indemonstrable given the rules of Aristotelian science upon which the *falsafa* tradition is predicated.⁵ Al-Ghazālī was concerned about the elitism of the *falsafa* tradition and its absolute claims aligning themselves with the philosophical inclinations of his social and political opponents, the Ismā'īlis.⁶ This tradition of critiquing and condemning philosophy continued into the Ottoman period and even into the

4 Kasravī, *Shī'igarī*; Sharī'atī, *Tashayyū'-yi 'alavī va tashayyū'-yi ṣafavī*.

5 Al-Ghazālī, *Tahāfut al-falāsifa*, p. 226; cf. Griffel, *al-Ghazālī's Philosophical Theology*, pp. 97–103; Āshtiyānī, *Naqdī bar Tahāfut al-falāsifa*.

6 Moosa, *Ghazālī and the Poetics of Imagination*, pp. 172–74.

present, particularly in Sunnī traditionalism.⁷ The anathemisation of philosophy in the Ottoman context therefore coincided with the official construction of heresy associated especially with antinomian and quasi-Shīʿī religiosity in Anatolia.⁸ As we shall see, the Ghazālīan accusation was also directly deployed in the Safavid period.

Second, the Akhbāriyya, especially from the Safavid period onwards, condemned *falsafa* and philosophical *kalām* for their rationalist hermeneutics because they considered any doctrine of hermeneutics based on the independent use of reason to be illegitimate. The classic critique *al-Fawā'id al-madanīyya* of Muḥammad Amīn Astarābādī (d. 1036/1626) did not just attack the juridical method of the dominant uṣūlī 'ulamā' but also their philosophical theology which was rooted in extra-Shīʿī sources and alien to the scripturalist tradition. Astarābādī was concerned with the philosophical foundations of the theological tradition as it was developing in Shīʿī circles and devoted much space in *al-Fawā'id* and in his *Dānishnāma-yi shāhī* to refuting the legitimacy of philosophical speculation and its theological implications which were at odds with the *akhbār* of the Imams—this involved a critique of the major pre-Safavid Shīʿī philosopher-theologian Naṣīr al-Dīn al-Ṭūsī (d. 672/1274) among others.⁹ Later Akhbārīs such as al-Ḥurr al-ʿĀmilī (d. 1104/1693) condemned philosophers and Sufis for their adherence to sources of theological and epistemological legitimacy that lay beyond the Shīʿī scripturalist tradition, focusing upon antinomian practices, the doctrine of *waḥdat al-wujūd* associated with the school of the Sunnī Sufi Ibn 'Arabī, and the hermeneutics of mystical intuition (or *kashf*).¹⁰ The Akhbāriyya were somewhat divided on this issue—and some, like Muḥsin Fayẓ Kāshānī (d. 1090/1680), were open to the ideas of the school of Ibn 'Arabī as evidenced in numerous works of his; others, like the most prominent Akhbārī thinker of the later period Shaykh Yūsuf al-Baḥrānī (d. 1186/1772), were accommodating towards the notion of *kashf* to reveal the validity of scriptural knowledge. Interestingly, it was the later ex-Akhbārī and prominent first *mujtahid* of North India, Sayyid Dildār 'Alī Naṣīrābādī (d. 1235/1820), who in his major anti-Sufi and anti-philosophical polemic *al-Shihāb al-thāqib*, focused upon the twin pillars of *waḥdat al-wujūd* and *kashf* for his condemnation of these ideas in his struggle for ascendancy in Avadh.

Third, and more recently from within the Shīʿī seminary, there have been two types of traditionalist condemnation of the study and practice of

7 Bolay, "Ottoman thought".

8 Ocak, *Osmanlı Toplumunda Zındıklar*, pp. 122–35; Özen, "Ottoman 'ulamā'".

9 Gleave, *Scripturalist Islam*, pp. 102–39.

10 Gleave, "Scriptural Sufism," pp. 160–66.

philosophy because of its Shī'ī inauthenticity. The *maktab-i tafkik* as a movement emerging in Mashhad and Najaf in the earlier part of the twentieth century associated with Mīrẓā Mahdī Iṣfahānī (d. 1946) and his students attacked the study of philosophy, partly because of its popularity in mid-twentieth century Najaf and indeed in Qum, because of the prominence of figures such as Shaykh Ḥusayn Bādkubihī (d. 1939), Shaykh Muḥammad Riḍā al-Muẓaffar (d. 1964), Sayyid Muḥammad Ḥusayn Ṭabāṭabā'ī (d. 1981) and even Sayyid Rūḥ Allāh Khumaynī (d. 1989). Gleave has argued that although this movement is not Akhbārī or neo-Akhbārī as some of their opponents have alleged, it is nevertheless continuous with their scripturalist tendencies.¹¹ Given the dominance of the school of Mullā Ṣadrā in the *hawza* in Qum especially, the *tafkikīs* attack the illegitimacy of philosophy as a 'scriptural' and religious inquiry and continually juxtapose an understanding of fundamental notions and categories such as reason, soul, and faith between the Ṣadrian school and the 'school of the family of the Prophet' (*maktab-i ahl-i bayt*).¹² Fundamentally the *tafkikī* approach sees philosophy as an inauthentically Shī'ī endeavour that arose out of an attempt to sideline the teachings of the Imams. As Iṣfahānī wrote in his major work *Abwāb al-hudā*:

For anyone familiar with the policy of the caliphs, it is as clear as the sun that the reason for the translation of Greek philosophy and the encouragement of the Sufi way taken from Greece was naught but a policy to suppress the teachings of the *Ahl al-bayt*, peace be with them, and to distract people from them after they had been attracted to their teachings before the translation [movement]. They were successful in their goal after the result [of the translation] just as they had dominated them by denying them apparent [political] power. So Muslims occupied themselves with theoretical and discursive inquiries and after the translation [movement] did not feel the need for the teachings of the family of Muḥammad, peace and blessings be with them, and even used disputation and discourse against them as is clear from the history of the eighth Imam, peace and blessings be with him. Not just that, the matter went so far as to diminish their teachings in the eyes of their followers by interpreting their words through Greek, human and fallible teachings and by claiming that the most important intent of the Imams lay in the teaching of Greek sciences. This is not correct because the utterances of the Scripture

11 Gleave, "Continuity," pp. 90f.

12 Cf. Rizvi, "Only the Imam knows best". Some examples of these polemics include Shahrakī, *'Aql az nazar-i Qur'ān*; Raḥīmīyān, *Mas'ala-yi 'ilm*.

and the *sunna* bear technical meanings and the guidance of humans rests upon their learning after having been ignorant of those technical terms. A few of them extracted from the speech of God most High and the speech of the Messenger using the method of the rational, and cynically referred the community to one who knows Greek philosophy. This is a deficiency sidelining the mission [of the Prophet] and destroying the works of prophecy and mission. It is an act of oppression above and beyond the sword and the spear.¹³

Alongside the *tafkīkī* attack upon philosophy, there is a juristic argument about the status of the philosopher and particularly the one who believes in the doctrine of *waḥdat al-wujūd* associated with the school of Ibn ‘Arabī. In the work that is arguably the first modern manual of *fiqhī* practice for the Shī‘ī believer (*risāla ‘amaliyya*), *al-‘Urwa al-wuthqā*, Sayyid Muḥammad Kāẓim al-Ṭabāṭabā‘ī al-Yazdī (d. 1920) condemned a believer in *waḥdat al-wujūd* as an unbeliever (*kāfir*) and as ritually impure (*najis*). In the third section on ritual purity, question 199, Yazdī writes,

There is no doubt about the ritual impurity (*najāsa*) of the *ghulāt*, the *khawārij*, the *nawāṣib*, those who ascribe a body to God (*mujassima*) and those who are determinists (*mujbira*), and those among the Sufis who believe in *waḥdat al-wujūd* since they mix the practice of Islam with their corrupt ideas and practices.¹⁴

What this debate illustrates is that the real issue with *ḥikma* or philosophy as it has been practiced since the Mongol and especially the Safavid period is its association with the school of Ibn ‘Arabī and its espousal of the doctrine of monism.¹⁵ It is this issue upon which I shall focus in this study. The seventeenth century witnessed a number of conflicts and polemics exchanged between jurists, members of the religious establishment, on the one hand, and Sufis and philosophers (and those sympathetic to mysticism and philosophy) on the other. This conflict was not primarily about the suppression of Sufi orders that had taken place on the whole a century before as the Safavids

13 Iṣfahānī, *Abwāb al-hudā*, p. 3f.

14 Yazdī, *al-‘Urwa al-wuthqā*, vol. 1, p. 145.

15 Of course, Ibn ‘Arabī and *waḥdat al-wujūd* were equally controversial and condemned in the Sunnī milieu as well; cf. Knysh, *Ibn ‘Arabī*; and Rizvi, *A History of Sufism*. On the particular Naqshbandī critiques of what they termed the *wujūdīyya*, see Le Gall, *A Culture of Sufism*, pp. 124f.; Weismann, *The Naqshbandiyya*; Buehler, *Sufi Heirs*, pp. 109–23.

consolidated their power.¹⁶ Rather, it focused on the culture of Sufism and philosophy that permeated the public sphere and indeed the court under Shah ‘Abbās I (d. 1038/1629), Shah Ṣafī (d. 1052/1642), and Shah ‘Abbās II (d. 1077/1666). Mullā Muḥammad Bāqir Majlisī (d. 1110/1699) and Muḥammad Ṭāhir Qummī (d. 1100/1689) led the assault on the twin pillars of *kufī* in their age, namely of philosophy and Sufism, insisting upon their Greek and hence alien origins and associating their circles with heretical practices and sinful behaviour such as imbibing wine, and singing and dancing.¹⁷ A later work from the turn of the twentieth century, *al-Radd ‘alā l-ṣūfiyya wa-l-falāsifa* of Sayyid Muḥammad ‘Alī b. Muḥammad Mu‘min Ḥusaynī Ṭabāṭabā‘ī Bihbahānī Shīrāzī, completed in Ṣafar 1321/1903, specifically attacks Mullā Ṣadrā as the key figure promoting *waḥdat al-wujūd* and bringing together the Sufi and philosophical tradition in a great heretical synthesis.¹⁸ More recent attacks on philosophy *qua ḥikmat*, such as *al-‘Irḡān al-islāmī* by the contemporary *marja‘* Sayyid Muḥammad Taqī Mudarrisī and *Tanzīh al-ma‘būd fī l-radd ‘alā waḥdat al-wujūd* of Sayyid Qāsim ‘Alī-Aḥmadī, have also focused upon the adherence to *waḥdat al-wujūd*. However, before we turn to the discussions of *waḥdat al-wujūd* as the primary reason for the *takfīr* of the philosophers and Sufis, it might be useful to provide a quick sketch of the major works and trends in anti-Sufism in the later Safavid tradition.¹⁹

Most anti-Sufi works of the seventeenth and eighteenth centuries focused upon the antinomian behaviour, violation of the law, sexual license and practices of singing and dancing to define their anathemisation of Sufis due to their practices.²⁰ The foundational work, written in the middle of the seventeenth century (probably in 1058/1648) in the Deccan is *Ḥadīqat al-shī‘a* which was attributed to al-Muqaddas Ardabīlī, the famous jurist resident in the shrine city of Najaf.²¹ The *Ḥadīqa* was closely followed by polemics in Persian by Mīr Lawḥī (d. 1083/1672)—in 1060/1650 he penned *Ṣalwat al-shī‘a* under the

16 Arjomand, *Shadow of God*, pp. 112–21.

17 Arjomand, *Shadow of God*, pp. 157f.; Ṣadāqat, *Ṭarīqa-yi murtadawīyya*.

18 Ṭīhrānī, *al-Dharī‘a*, vol. 10, p. 208 no. 564.

19 The best survey is Ja‘fariyyān, *Siyāsāt*, pp. 747–955.

20 Most studies of anti-Sufism have therefore focused on these themes; cf. Newman, “Clerical perceptions”; idem, “Sufism and anti-Sufism”; Babayan, “Sufis”; Ja‘fariyyān, *Siyāsāt*, pp. 931–55.

21 Apart from the nineteenth-century lithograph and the 1970s printing (which I consulted), there are two newer editions, one from 1998 in two volumes by Ṣādiq Ḥasanẓāda and printed by Anṣāriyyān in Qum, and the other published also in Qum in 2009 in a popular non-critical edition. For discussions on this text, see Newman, “Sufism and anti-Sufism”; Babayan, *Mystics*, pp. 421–25.

pseudonym Muṭahhar al-Miqdādī, significant because it appeared in the period of pro-Sufi dominance at court under ‘Abbās II and his *vizier* Sulṭān al-‘ulamā’ (d. 1064/1654)—and a number of works by Mullā Ṭāhir Qummī (d. 1100/1689) especially *Radd-i ṣūfīyya* around 1069/1659 which arose out of his polemics with Muḥammad Taqī Majlisī (d. 1070/1660), and *Tuḥfat al-akhyār* written in 1076/1665. It seems that most of the major anti-Sufi and anti-philosophical texts were written during the reign of ‘Abbās II.

The ‘Āmilī scholarly elite who had never been closely associated with the mystical-philosophical elite at court also produced major attacks on Sufism in Arabic. Earlier scholars had suggested that the foundational text for this tendency was *al-Maṭā’in al-mujrimīya* [*fī radd al-ṣūfīyya*] of Shaykh ‘Alī al-Karakī (d. 940/1533); however, as Ja’fariyān and others have shown, there is evidence of attacks on Abū-Muslim-nāmas and story-telling (*qiṣṣeh-khvānī*) in the sixteenth century but none of actual attacks on Sufism or on the school of Ibn ‘Arabī that have survived.²² In fact the ‘*fī radd al-ṣūfīyya*’ part of the title is not attested in manuscripts but reported much later, and none of the contents that survive deal with the general question. This absence in the sixteenth century may be due to the dominance of the Qizilbash and their forms of spirituality in that period, which once on the wane in the seventeenth century led to a greater focus on popular Sufi practices. Karakī’s son Ḥasan penned a short polemic ‘*Umdat al-maqāl fī kufr ahl al-ḍalāl*’, and his descendent Mīrzā Ḥabībullah (d. 1062/1652), who served as ‘Abbās II’s *ṣadr*, was hostile to Sufis and protected anti-Sufi ‘*ulamā*’. Shaykh ‘Alī b. Muḥammad al-‘Āmilī (d. 1103/1692), also a descendent of al-Karakī, who had earlier written a major attack on the Akhbāri manifesto *al-Fawā'id al-madaniyya*, famously criticizing Astarābādī for hallucinating and being a tool of the devil, wrote *al-Sihām al-māriqa min aghrāḍ al-zanādiqa* probably around 1070/1660.²³ His larger anthology, *al-Durr al-manthūr*, written in the 1660s, contained excerpts from *al-Sihām* as well as other critiques of Sufism. His contemporary, the prominent tradent al-Ḥurr al-‘Āmilī (d. 1104/1693), wrote an influential work entitled *al-Ithnā ‘ashariyya fī maṭā’in al-mutaṣawwifīn*. Al-‘Āmilī allows for a genuine mystical quest and separates proper Shī‘ī mysticism from the trend of al-Ḥallāj and other anti-nomians. He adopts common polemical strategies such as using the views of famous Shī‘ī Sufis like Sayyid Ḥaydar Āmulī against Sufism, and focuses in on three sets of heretical notions: the unfettered and incorrect use of *ta’wīl*, the

22 Ja’fariyān, *Siyāsāt*, pp. 748–53; Anzali, *Safavid Shi’ism*, pp. 57–71; Babayan, *Mystics*.

23 Ja’fariyān, *Siyāsāt*, pp. 805–7.

uncorroborated claims of mystical intuition (*kashf*) and the adherence to a singular vision of reality in *waḥdat al-wujūd*.²⁴

The third cluster of works surrounds Muḥammad Bāqir Majlisī (d. 1110/1699), the powerful Mullā-bāshī whose position on *waḥdat al-wujūd* as *kufṛ* was uncompromising, and his students who wrote works such as *al-Arbaʿin fī maṭāʿin al-mutaṣawwifa* (written by the little-known Shaykh Muḥammad Sabzavārī).²⁵ Majlisī in his short *Aqāʾid al-Islām* is categorical that the doctrine of *waḥdat al-wujūd* constitutes “the greatest unbelief”.²⁶ One of Majlisī’s circle was the renegade Christian renamed ‘Alī-Qulī Jadīd al-Islām who converted in 1686.²⁷ He wrote a number of anti-Christian works such as *Hidāyat al-ḍallīn wa-taqwīyat al-muʾminīn*, an exercise primarily in biblical criticism, and *Sayf al-muʾminīn fī qitāl al-mushrikīn*.²⁸ His anti-Sufi tract, *Radd bar jamāʿat-i ṣūfiyān*, continued the theme of opposed heresy and doctrines extrinsic to the Shīʿī tradition as he saw it and focused upon what he considered to be the social threat posed by the presence of these ‘unbelievers’ at the centre of Empire in Isfahan. While most of the works mentioned here have been published, there were others: Āqā Buzurg Ṭihirānī’s famous Shīʿī bibliography *al-Dharīʿa ilā taṣānīf al-shīʿa* mentions over twenty works from the late Safavid and early Qajar periods, not to mention *fatwās* such as those collected at the end of *Salwat al-shīʿa*.²⁹

Even those who were inclined towards mystical experience and philosophy as a way of life and as a spiritual practice wrote critically on Sufi claims, especially those of the *ṭarīqa* Sufis. Mullā Ṣadrā’s own critical comments on Sufism, expressed in *Kasr aṣṇām al-jāhilīya*, are primarily concerned with corrupt practices and the pride that arises out of the spiritual quest that remains sullied with attachment to the ornaments of this world.³⁰ They condemn popular ‘bāzārī’ Sufism.³¹ It is therefore less a critique of Sufism as such and more a plea for a more authentic spiritual path that is rooted in the teachings of philosophy and of scripture in which philosophy is very much a way of life involving

24 For a good summary, see Jaʿfariyyān, *Dīn va siyāsāt*, pp. 232f.

25 MS Tehran, University Central Library 1154; Ṣadāqat, *Ṭarīqa-yi murtaḍawīyya*.

26 Majlisī, *Aqāʾid al-Islām*, p. 48.

27 Jaʿfariyyān, *Siyāsāt*, pp. 828–82, 1105–87; Richard, “Un augustin portugais renégat”.

28 Hairī, “Reflections,” pp. 160–3. Portions of both works have been published with an edition by Rasūl Jaʿfariyyān, Qum: Anṣāriyyān, 1996.

29 Some other *fatwās* are discussed in Jaʿfariyyān, *Dīn va siyāsāt*, p. 228.

30 For a discussion, see Lewisohn, “Sufism and the school of Isfahan,” pp. 95–98; Babayan, *Mystics*, pp. 416–21; Anzali, *Safavid Shiʿism*, pp. 96–100.

31 Jaʿfariyyān, *Siyāsāt*, pp. 758–61.

spiritual practices.³² It further demonstrates that much of the Safavid writings attacking Sufism were concerned with claims to authority (not surprising considering the origins of the Safavid dynasty as Sufi *pīrs*) and with antinomian practices such as dancing and singing. Critiques of philosophy insofar as they appear distinguish between *falsafa* as a Peripatetic discourse that eschews mystical experience, and *ḥikmat* as a way of life rooted in a contemplation of Prophetic knowledge that mixes an inquiry into the reality of the cosmos with a deep understanding (*ʿirfān*) of God.

Mullā Ṣadrā's son-in-law and student Muḥsin Fayḏ Kāshānī (d. 1090/1680) later wrote qualified critiques of Sufism, perhaps to distance himself from his earlier philo-Sufism during the rule of ʿAbbās II.³³ His *Muḥākama*, in which he tried much like Mullā Ṣadrā to argue for a vibrant and authentic spiritual path against decadent *ṭarīqa* Sufis, was penned in 1070/1660, and a more critical assessment in his autobiographical *Inṣāf* written later in 1083/1672. The *Muḥākama* focuses on practices and condemns three: the unnecessarily loud chanting of *dhikr*, the carnival-like atmosphere of Sufi gatherings in which the fallible words of humans were mixed with the infallible pronouncements of the divine, and the public proclamation of difficult esoteric utterances (*shaṭḥiyyāt*) that were both socially and ethically disruptive. His earlier autobiographical *Sharḥ-i ṣadr* written in 1064/1654 expressed his attachment to the mystical path and explained his attraction to the thought of Mullā Ṣadrā.³⁴ Consistent with Mullā Ṣadrā, in this text he associates *ḥikmat* with the Qurʾānic great good (Qurʾān 2:269) and with authentic prophetic teachings and distinguishes it from the philosophy that is familiar in his time—a reference to Avicennism which was dominant in the Safavid period. Another early work, the *Kalimāt-i maknūna* written in 1057/1647, makes his attachment to monism, focusing upon the concept of the Perfect Man (*insān-i kāmīl*), mixed with a contemplation upon the sayings of the Imams clear: he does not cite any non-Shīʿī sources as his work is very much the school of Ibn ʿArabī naturalized within a Shīʿī context. However, in the *Inṣāf*, he abjured his time dabbling with the thought of people who claimed to be philosophers and Sufis (*mutafalsif, mutaṣawwif*), claiming he had been misled but had now found the truth in the

32 As evidenced for example by his quotation from the famous *Golden Verses* attributed to Pythagoras; cf. Mullā Ṣadrā, *Kasr aṣnām al-jāhiliyya*, pp. 201–9. On the theme of philosophy as a way of life in Mullā Ṣadrā, see my “Philosophy as a way of life in the world of Islam”.

33 The best study of Fayḏ and Sufism is Jaʿfariyyān, *Siyāsat*, pp. 769–88.

34 Kāshānī, *Sharḥ-i ṣadr*, pp. 105–7; cf. Lewisohn, “Sufism and the school of Isfahan,” p. 113.

Qur'ān and *ḥadīth*.³⁵ In fact, akin to Ghazālī's famous apologia, he abjures four groups of people: those who claim to be philosophers, self-designated Sufis, dialectical theologians, and uṣūlis (*mutakallifīn*). His extensive citation of the most sublimely metaphysical phrases from famous supplications of the Imams suggests a turn towards an *irfān* rooted in the pronouncements of the Imams. Of course, this does not necessarily mean he rejected his teacher Mullā Ṣadrā or the views of the school of Ibn 'Arabī such as *waḥdat al-wujūd*. In fact there is no mention of them at all.

It is precisely the defence of monism by the Safavid *ḥukamā'* that accounts for the fact that the anti-*ḥikmat* tracts focus their critique on it. The anti-Sufi, anti-philosophy texts take on a simple formula of attacks. First, they condemn the groups for espousing *waḥdat al-wujūd* by following the classical Sufis associated with the doctrine *avant la lettre* such as al-Ḥallāj and Abū Yazīd Bisṭāmī.³⁶ *Waḥdat al-wujūd* is considered to mean that they hold everything is God and there is only one existent (*mawjūd*).³⁷ Qummī clarifies that non- and indeed anti-Shī'ī nature of these figures when he says in *Radd-i ṣūfiyya*:

You have strayed far from the path of 'Alī and his descendants, so much so that you have become followers of Manṣūr,
You have wanted to become followers of Bū Yazīd, but tomorrow you will be resurrected with Yazīd.³⁸

Elsewhere he says that it is essential to establish the vanity and heresy of philosophy and the unbelief of those who follow Ḥallāj and Bisṭāmī.³⁹ A corollary of this point is to deploy arguments from classical Shī'ī theologians against Ḥallāj, citing al-Shaykh al-Mufid (d. 413/1022) among others, and quoting the 'Allāma al-Ḥillī's cursing of him.⁴⁰ One important source that both Qummī and others following the *Ḥaqīdat al-shī'a* use is the medieval heresiographical polemic by Sayyid Murtaḍā Dā'ī al-Rāzī (d. after 526/1132) entitled *Tabṣīrat al-'awāmm fī ma'rīfat maqālāt al-anām*.⁴¹ From this text, Qummī quotes six

35 Kāshānī, *Inṣāf*, pp. 149f., 163; cf. Lewisohn, "Sufism and the school of Isfahan," pp. 124f.

36 Mīr Lawhī, *Salwat al-shī'a*, p. 344; *Ḥadiqat al-shī'a*, p. 560; Qummī, *al-Fawā'id al-dīniyya*, p. 756.

37 *Ḥadiqat al-shī'a*, p. 568.

38 Qummī, *Radd-i ṣūfiyya*, p. 134.

39 Qummī, *al-Fawā'id al-dīniyya*, 713; Qummī, *Tuḥfat al-akhyār*, p. 45.

40 Qummī, *Radd-i ṣūfiyya*, p. 135; Mīr Lawhī, *Salwat al-shī'a*, pp. 344f.

41 *Ḥadiqat al-shī'a*, pp. 556–8 inter alia; cf. Marco Salati, "Ebn Dā'ī Rāzī," *Encyclopaedia Iranica*, vol. 8, p. 11; the text was published with Tunikābunī's *Qīṣaṣ al-'ulamā'* (a work that

groups of followers of Ḥallāj and enumerates their acts and doctrines that constitute *kufṛ*.⁴² Jadīd al-Islām associates *waḥdat al-wujūd* with Christian incarnationism and attacks it accordingly as a Pauline heresy.⁴³

Second, the next figure to be attacked is Ibn ‘Arabī, not only for his espousal of *waḥdat al-wujūd* and his Sunnism but also because of the ethical implications of the doctrine: a unity-centred approach to reality means that a follower of the Imams cannot distinguish between good and evil, truth and falsehood, and the normal relationship of causality breaks down so that Sufis espouse not only a fatalist approach to life but also are determinist (*jabriyya*).⁴⁴ The very fact that Ibn ‘Arabī denies eternal punishment in the hereafter is seen as evidence for this moral failing. The author of the *Ḥadīqat* puts it in this way: “outwardly they are determinists but inwardly they denied all but nature (*mulḥid-i dahrī*)”.⁴⁵ He goes on to argue that Ibn ‘Arabī, ‘Azīz-i Nasafī and ‘Abd al-Razzāq Kāshānī (the latter two often were considered to be Shī‘ī) were *zanādiqa* and *malāḥida* because of their belief in *waḥdat al-wujūd*, and because they busied themselves with the study of the works of philosophers like Plato and were led astray.⁴⁶ Sufis hold everyone to be equal, they practice a *sulḥ-i kull* and consider no one to be bad, hence undermining the binary attachment in Shī‘ī theology to *valāyat* and *bar‘at*.⁴⁷ They forgo cursing the enemies of the *ahl al-bayt* and their “love for ‘Umar has made their hearts black so that Iblīs resides in them and becomes their leader”. As ethical relativists and licentious people, they deceive and mislead the true Shī‘a—interestingly it is almost as if the famous accusation that the Shī‘a use *taqiyya* to lie and deceive others is turned around and deployed against Sufis.⁴⁸

Third, the authors undermine the claim that major Shī‘ī figures of the past were Sufis or that classical Sufis were followers of the Imams, as often portrayed in Shī‘ī Sufi apologetics. Hence doubt is cast upon the suggestion that Ma‘rūf al-Karkhī was ever a follower of Imām al-Riḍā, and the Imam himself is mentioned as cursing Sufis.⁴⁹ The author of the *Ḥadīqat* initiates the theme of

is often quite hostile to Sufis) in 1886, and again in Tehran by the Majlis press edited by ‘Abbās Iqbāl Āshtiyānī in 1933.

42 Qummī, *Radd-i šūfiyya*, p. 137.

43 Jadīd al-Islām, *Radd-i jamā‘at-i šūfiyyān*, pp. 44f.

44 Qummī, *Radd-i šūfiyya*, p. 144; idem, *Tuḥfat al-akhyār*, p. 112; idem, *al-Fawā‘id al-dīniyya*, pp. 757–59; *Ḥadīqat al-shī‘a*, p. 565.

45 *Ḥadīqat al-shī‘a*, p. 560.

46 *Ḥadīqat al-shī‘a*, p. 566; cf. Qummī, *Tuḥfat al-akhyār*, p. 75.

47 Qummī, *Radd-i šūfiyya*, p. 147.

48 Mīr Lawḥī, *Salwat al-shī‘a*, pp. 352f.

49 Qummī, *Radd-i šūfiyya*, p. 148.

arguing that the ‘Abbāsids deliberately promoted Sufism (and philosophy) to turn people against the teachings of the Imams and despite the claims of the spiritual lineages of the orders, the Sufis are in fact the enemies of the Imams.⁵⁰ In particular, this involves an attack on the Nūrbakhshī order—which in itself is significant because the major *ḥukamā’* of that period including Fayḏ and Mullā Ṣadrā were later associated with that order as indeed was Muḥammad Taqī Majlisī who was often the main subject of Qummī’s attack.⁵¹

Fourth, the inauthenticity of the Sufis among the Shī’a is associated with Greek learning that has pervaded Islamic culture. In particular Jadīd al-Islām in his attack on Sufism associates them with corrupt Christian and Greek ideas that have filtered through, and having become naturalized, are misleading people.⁵² The Greek roots of philosophy, which are criticized by implication, would not be lost upon readers of the text. His attack brings up one theme that is absent from earlier works, namely the very illegitimacy of rational theology—for him, theology is a Greek endeavour and alien to Islam, and in this context, he quotes a saying of Imam ‘Alī condemning those who speculate on the nature of God and reality and practice metaphysics.⁵³ Again, by implication this is a clear criticism of philosophers and the condemnation of Neo-platonism is unequivocal. Jadīd al-Islām also recognizes that *ḥikmat* is a term appropriated as a safe rendition for philosophical inquiry—and hence he attacks it as culturally inauthentic and an example of Greek culture that has been naturalized in Islam for the worst.⁵⁴ He was writing some thirty years after the others and at a time when philosophy was an easier target than it had been during the reign of ‘Abbās II.

Fifth, the claims to authority that Sufis make based on their notions of *valāyat* and mystical intuition (*kashf*) are false: true Shī’ī doctrine is based on the teachings of the Imams and true *valāyat* and insight are already provided in the four canonical *ḥadīth* collections.⁵⁵ Ibn ‘Arabī in particular is mocked not only for his own attacks on the Shī’a but also for his claim to be the seal of saints and to have special powers.⁵⁶ Again and again the critiques are designed

50 *Ḥadiqat al-shī’a*, p. 563.

51 Qummī, *Radd-i ṣūfiyya*, pp. 147–49; Qummī, *Tuḥfat al-akhyār*, pp. 202f. On this association, see Ma’sūm ‘Alī-Shāh, *Ṭarā’iq al-ḥaqā’iq*, vol. 1, p. 183.

52 Jadīd al-Islām, *Radd-i jamā’at-i ṣūfiyyān*, pp. 20f.

53 Jadīd al-Islām, *Radd-i jamā’at-i ṣūfiyyān*, pp. 28–31; cf. Qummī, *al-Fawā’id al-dīniyya*, pp. 720f.

54 Jadīd al-Islām, *Radd-i jamā’at-i ṣūfiyyān*, pp. 36–44.

55 Qummī, *Radd-i ṣūfiyya*, pp. 138f.

56 Qummī, *Radd-i ṣūfiyya*, p. 145.

to refer the reader back to the exclusive authority of the Imams to expound knowledge and by implication to refer to those scholars who specialize in the sayings of the Imams—like Qummī and others.

Sixth, there is an attempt to ridicule Sufi sayings and associate them with the whisperings of Satan—throughout most of the texts the address is to the average Shīʿī believer and acts as a warning to beware the guiles of Satan that are present among the Sufis. Qummī in his *Tuḥfat al-akhyār* has an extensive list of sayings and stories of Sufis that he condemns as “sheer lies and falsehood” (*kidhb-i maḥẓ va durūgh*).⁵⁷ An element of this attack within the sectarian milieu of the Safavid period was to associate Sufis categorically with Sunni thought and practice.⁵⁸ It is precisely this association of Sufism with Sunnism that is a key theme; accusations of Sunnism are difficult to deflect and amount to inauthentic and illegitimate claims to a higher path *within* Shīʿism.

Finally, subverting the Sufi trope of the master-disciple relationship as that of the physician healing the sick, they often accuse the Sufis of spreading the sickness—it is the role of the Imams to purify and heal the souls of their followers.⁵⁹ Associated with this is a mocking of philosophers as being mentally ill—Qummī tries to argue that philosophers are particularly prone to melancholy and hence their ravings are the result of a sick mind.⁶⁰

These Safavid texts and the themes that they established became the standard tropes of anti-Sufism and anti-philosophy in Shīʿī contexts thereafter. The conflict over the legitimacy of Sufi ideas and practices raged on and intensified in both Qajar Iran and Shīʿī North India, fuelled as they were by the rival claims to authority and legitimacy that jurists and Sufis made. In what follows, I shall briefly discuss two of the most prominent ones, one example from each context to demonstrate how Safavid discourses survived and were modified.

The first example is rather well known, and concerns Āqā Muḥammad ʿAlī Bihbahānī (d. 1215/1801) better known as *ṣūfī-kush* for his vehement condemnation of Sufis, especially the resurgent Niʿmatullāhī order.⁶¹ As the son of the famous Vaḥīd Bihbahānī (d. 1207/1792) who had suppressed Sufism and *akhbārī* tendencies in the shrine cities of Iraq, he was familiar with a polemical

57 Qummī, *Tuḥfat al-akhyār*, pp. 87–164.

58 Qummī, *Radd-i ṣūfīyya*, pp. 141f.

59 Qummī, *Radd-i ṣūfīyya*, p. 143.

60 Qummī, *al-Fawāʿid al-dīnīyya*, p. 722.

61 Hamid Algar, “Behbahānī, Moḥammad-ʿAlī,” *Encyclopaedia Iranica*, vol. 4, pp. 97f.; Lewisohn, “An Introduction to the History of Modern Persian Sufism,” pp. 441–44; Pourjavady/Schmidtke, “Muslim Polemics”.

approach to faith.⁶² He focused his opprobrium upon the Ni‘matullāhī leader Ma‘šūm ‘Alī-Shāh, whom he had arrested and murdered in Kirmanshah in 1210/1795. His work, *Risāla-yi khayrātīyya dar ibtāl-i ṭarīqa-yi šūfīyya* is a series of letters exchanged between 1207/1793 and 1212/1797 with notables and scholars drawing attention to the threat posed by the Ni‘matullāhī revival in Iran.⁶³ The work focuses upon the socially disruptive nature of the Sufis and their antinomian behaviour. The author claims that friends and scholars asked him to put together his work in this area bringing together five main sets of correspondence. The motivation was the need to condemn the misguided (*ahl-i ḡalāl*) who take Ma‘šūm ‘Alī-Shāh as their lord and God (*ma‘būd*).⁶⁴ He then argues that Sufis are unbelievers, that their company is that of *kuffār* and that both the Qur‘ān and the *ḥadīth* point to the need to suppress and indeed kill them: Sufis make the illicit licit, they have no faith or particular doctrine (*hīch mazhabī na-dārad*) but rather profess to love all faiths and doctrines (*bā ahl-i har mazhabī muḥabbat mī-numāyad*).⁶⁵ As *kuffār* and indeed as apostates (*murtaddīn*), they must be killed as agreed by the scripture. They pretend to forsake the world because of their claims of having arrived at the divine presence and the divine favour that they enjoy.⁶⁶ The doctrinal basis of their actions is the idea of unity (*vaḥdat*) and at this point, Bihbahānī quotes Ibn ‘Arabī (Muhyī l-Dīn—although elsewhere and commonly he is cited as *Mumīt al-dīn*, “the destroyer of the faith”) from *al-Futūḥāt al-makkiyya* and *Fuṣūṣ al-ḥikam* on the claim that God is identical to all things (*subḥāna man aẓhar l-ashyā’ wa-huwa ‘aynuhā*) and that Ibn ‘Arabī is the seal of saints.⁶⁷ He also condemns Sufis for following Ḥallāj and cites one of the representatives of the twelfth Imam, Ḥusayn b. Rawḥ, who condemned his doctrine.⁶⁸ Other doctrinal themes that he condemns include disrespecting the prophets and taking their place, and claiming that unbelievers will not suffer in hellfire for eternity but rather that their hell and punishment are in the here and now.⁶⁹ He lists a long charge sheet of the misdemeanours of Sufis including imbibing alcohol, taking narcotics, licentiousness and so forth and moves on to a long list of famous and classical Shī‘ī scholars who condemned Sufis, citing along the way some of

62 Hamid Algar, “Behbahānī, Moḥammad Bāqer”.

63 Ma‘šūm ‘Alī-Shāh, *Ṭarā‘iq al-ḥaqā‘iq*, vol. 3, pp. 174–82.

64 Bihbahānī, *Khayrātīyya*, fols. 2a, l.7, 21b, ll.18–9.

65 Bihbahānī, *Khayrātīyya*, fol. 3a, l.3–4.

66 Bihbahānī, *Khayrātīyya*, fol. 3a, l.7–9.

67 Bihbahānī, *Khayrātīyya*, fols. 3b, l.5–6, 4a, l.16–7.

68 Bihbahānī, *Khayrātīyya*, fol. 3b, l.12–3.

69 Bihbahānī, *Khayrātīyya*, fol. 4b, l.9–13.

the famous reports attributed to the later Imams against Sufis as followers of Satan.⁷⁰ Promiscuous, they claim to be infatuated with the love of God but instead are involved in sexual exploitation and profane love (*‘ishq-i majāzī va muḥabbat-bāzī*).⁷¹ Fundamentally, Sufis are to be condemned because there is a consensus of Shī‘ī scholars that they are antinomian and openly defiant of the law and hold doctrines that are reprehensible and heretical.⁷² Crucially, their sources of authority are not the Imams but famous old Sufis who were Sunnī and hence they are not authentically Shī‘ī.

Bihbahānī’s work is quite massive and draws upon older anti-Sufi material from the Safavid period. While the charge lists he pulls out are well known, as are the doctrinal foundations, this is not the most sophisticated critique of Sufi ideas—and unlike other authors he does not conflate Sufis and philosophers (*ḥukamā’*); in fact, he does not seem to mention *ḥukamā’* and *falāsifa* at all. This omission could be due to the relative absence of philosophical inquiry in the Iraqi shrine cities in his time—the study of *ḥikmat* in the eighteenth century still requires some serious consideration but it does seem that it was confined to the margins in Isfahan and other locales in Iran. It could also indicate the relatively greater importance of Sufi networks in the period. What is actually clear from a cursory glance at the major philosophers of the eighteenth century is their almost universal espousal of monism and its metaphysics.

The second example comes from the Shī‘ī successor state of Avadh in North India and the case of Sayyid Dildār ‘Alī Naṣīrābādī (d. 1225/1820), the first prominent *mujtahid* of North India and a major figure at the Shī‘ī court.⁷³ His work continues the theme of the late Safavid period of anathemising both Sufism and philosophy together, but unlike Bihbahānī he focuses upon ideas and especially the twin doctrinal pillars of *waḥdat al-wujūd* and *kashf*. Naṣīrābādī wrote two major works against Sufism: the first is a major scholarly critique in Arabic entitled *al-Shihāb al-thāqib* for scholars and written for his patron Sarfarāz al-Dawla Ḥasan Rizā Khān (d. 1801), the vizier of the *nawāb* Āṣaf al-dawla, and another more accessible work in Persian, entitled *Risāla-yi radd-i madhhab-i ṣūfiyya*, which focuses more on practices. Some of the themes he has in common with Bihbahānī and he draws upon the prejudices of the *ḥadīth* folk. The question might arise why he rounds upon the monism of the school of Ibn ‘Arabī and the hermeneutics of mystical intuition or *kashf*. As Juan Cole has shown, the Avadh court was a forum for the conflict of authority

70 Bihbahānī, *Khayrātīyya*, fols. 5b–11b.

71 Bihbahānī, *Khayrātīyya*, fol. 28b, l.15.

72 Bihbahānī, *Khayrātīyya*, fol. 15a, l.6.

73 For more on him and his project, see my “Establishing the principles of the faith”.

and patronage between different scholars and ideas: Akhbārīs, Uṣūlīs, Sufis and even Shaykhīs.⁷⁴ The rationalist Sunnī ‘ulamā’ of Farangī-Maḥall in Lucknow espoused the ideas of the school of Ibn ‘Arabī and were prominently linked into Sufi circles. The wider Chishtī networks of Avadh were presented at court in the person of Shāh ‘Alī Akbar Mawdūdī Chishtī (d. 1210/1795) who led his own Friday prayer congregation. As a young student in the 1770s, Naṣīrābādī had debated the major figures of Farangī-Maḥall including Mullā Muḥammad ‘Abd ‘Alī Baḥr al-‘ulūm (d. 1225/1810) and Mullā Ḥasan. But although Sufi ideas were primarily associated with Sunnīs, Naṣīrābādī was also aware of the influence of Sufism among Shī‘ī thinkers—and in his attempt to establish a new religious dispensation at court and new imperial theology in Lucknow, he was not afraid of attacking major Shī‘ī figures from the past who were part of the school of Ibn ‘Arabī and professed beliefs in monism. At the same time, his work is quite sophisticated: his training in *ḥikmat* shows his ability to nuance the concept of *waḥdat al-wujūd*.

Naṣīrābādī begins with the famous theme of seeing Sufism and philosophy as part of an ‘Abbāsīd conspiracy against the Imams. In particular, he cites the caliph al-Ma’mūn who invited theologians and philosophers to the court to debate his designated heir ‘Alī al-Riḍā in order to abase and humiliate him with their learning.⁷⁵ They spread falsehood and misguidance and forsook the Qur’ān and the heirs of the Prophet in favour of the doctrines of the philosophers with the result that outwardly they were Muslims but inwardly they were unbelievers (*ẓāhiruhum ẓāhir al-muslimīn wa-bāṭīnuhum bāṭīn al-mulḥidīn*).⁷⁶ Naṣīrābādī condemns their use of *ta’wīl* as an incorrect hermeneutics because it was not rooted in the teachings of the Imams. He then cites a number of reports from the Imams condemning Sufis and philosophers as the representatives of Satan. Structurally the text is divided into four parts (*maqāṣid*). The first is on the nature of existence and a critical appraisal of theological, philosophical, and Sufi doctrines. The second concerns the scripturally based arguments that Sufis use for *waḥdat al-wujūd* and their refutation. This involves in particular casting doubt upon the authenticity of some texts such as the famous alleged encounter between Imām ‘Alī and his disciple Kumayl b. Ziyād on the nature of reality, which is first encountered in a Sunnī Sufi text of the twelfth century *Miṣbāḥ al-hidāya*. It also involves refuting the Sufi arguments of leading Shī‘ī Sufis such as Sayyid Ḥaydar Āmulī. The third section is on the nature of mystical intuition (*kashf*) and arguments that Sufis deploy for it and

74 Cole, *Roots*, pp. 123–193.

75 Naṣīrābādī, *al-Shihāb al-thāqib*, fols. 2b–3a.

76 Naṣīrābādī, *al-Shihāb al-thāqib*, fol. 3a.

their refutation. The author does not wish to rule out *kashf* but merely to limit it to a Shī'ī context. This section includes an attack on the claims of famous classical Sufis and a critique of their practices including the use of music in ritual. The final section returns to polemics and concludes with the pronouncement of the unbelief of Sufis and philosophers who espouse *waḥdat al-wujūd*.

But before we conclude, let us return to Ṭāhir Qummī and texts that he wrote in Arabic in which he explicitly connected the Sufi ideas of the school of Ibn 'Arabī with what he considered to be an aberrant form of philosophical inquiry, a trend begun by Mullā Ṣadrā. The particular attack on the Shīrāzī thinker is significant and probably the first instance of such a critique. Unlike the works in Persian that primarily focus on practices and deal in abuse, these are more scholarly works that engage in argument. In this text, we see a more direct attack on the philosophical traditions of the period, taking in the two major thinkers of the first half of the seventeenth century: Mīr Dāmād and Mullā Ṣadrā. Here I shall make some comments about Qummī's *Ḥikmat al-'arīfīn fī daf' shubah al-mukhālīfīn* to which he refers readers who are looking for the details of arguments.⁷⁷ Already in the introduction, he signals his intention and the need to flag the danger that philosophy poses because,

People forsake truth and incline towards falsehood, rejecting what is everlasting for what is fleeting and vain . . . by following the opinions of philosophers who in their ability to whisper deceptions are like satans.⁷⁸

The first important theme in this text is that true *ḥikmat* is not following Ibn 'Arabī and Mullā Ṣadrā, among others, but constitutes cognition and knowledge of the Imam. Thus the *ma'rifa* or *'irfān* that stems from a monistic contemplation of God's nature is delegitimized in favour of a more resolute knowledge of the Imam. Thus Qummī wishes to move the debate on *ḥikmat* away from *ma'rifa* of God to that of the Imam. One strategy in particular is to decouple the Qur'ānic verses that mention *ḥikma* from their interpretation by philosophers: the term citing early Imāmī *tafsīr* refers to knowledge of the Imam and

77 Qummī, *al-Fawā'id al-dīniyya*, p. 776. The only study of this text thus far is Anzali, *Safavid Shi'ism*, pp. 1068. I am grateful to Dr Anzali for providing me with a digital copy of a manuscript of *Ḥikmat al-'arīfīn* from the Majlis-i Shūrā library in Tehran. For another text that also focuses on the philosophers and their espousal of monism, namely *Hadiyyat al-'avāmm va-faẓīhat al-līām* of 'Iṣām al-Dīn, see Ja'fariyyān, *Sīyāsat*, pp. 802f., and Anzali, *Safavid Shi'ism*, pp. 100–6.

78 Qummī, *Ḥikmat al-'arīfīn*, p. 1.

nothing more.⁷⁹ True *ḥikmat* is from the Imams who are the source of *ḥikmat* (*ma'ādin al-ḥikma*), and hence true religious knowledge can only be sourced from them as well.⁸⁰ Thus it is not the issues and discussion of *falsafa* that one should rehearse and engage, which in their essence are in opposition to the clear text of the Qur'an and the teachings of the Prophet and his family, but *ḥikmat* that derives from the *ḥadīth*. While it might seem that Qummī is distinguishing between *falsafa* and *ḥikma*, he is not doing so to allow any possibility of the Sadrian conception to be justified; *ḥikmat* is only that which is derived directly from revelation. His method is thus clear: he begins with rational argumentation, criticizing the views of philosophers, and then appends his refutation with extensive *ḥadīth* that prove his position. The real problem therefore with the *ḥikmat* of those who espouse *ʿirfān* or the Sufism of the school of Ibn ʿArabī is that they mix the knowledge of the faith with the contaminated and corrupt ideas of the Sunnī Sufi and particularly where they interpret revealed texts in the light of their confused and illegitimate ideas—one example is his strong attack on Muḥsin Fayḏ Kāshānī (*ṣāhib al-Wāfī*), discrediting his credentials as a tradent because of his Sufi hermeneutics.⁸¹

The second is that philosophy, following Ghazālī, fails on three counts: it postulates an eternal cosmos and a cosmos that is an instrumental, logical result of a God who does not create by volition, it denies that God's knowledge encompasses particulars, and it rejects God's resurrection of the physical body of the person.⁸² The citation of Ghazālī is interesting: Qummī quotes his *Tahāfut al-ḥukamā'* (sic!) extensively and even justifies it by claiming that Ghazālī had a deathbed conversion to Shī'ism.⁸³ Various chapters of the text deal with the issues that fall under these three charges of unbelief. Qummī argues in two chapters that philosophers fail to demonstrate God's existence in their arguments precisely because they fail to insist that the cosmos is created out of nothing and in time, and because they deny God as a volitional agent.⁸⁴ This allows him to criticize both the theory of perpetual incipience (*ḥudūth dahrī*) initiated by Mīr Dāmād (*ba'd anṣār al-falāsifa min al-fuḍalā' al-muta'akkhkirīn*), whereby the cosmos, whilst not being eternal at the same level of the divine, is constantly and perpetually in the state of becoming and always has been, and Mullā Ṣadrā, about whom he says that he wishes

79 Qummī, *Ḥikmat al-ʿarīfīn*, p. 4; Qummī, *al-Fawā'id al-dīniyya*, pp. 744f.

80 Qummī, *Ḥikmat al-ʿarīfīn*, p. 5.

81 Qummī, *Ḥikmat al-ʿarīfīn*, pp. 229–34.

82 Qummī, *Ḥikmat al-ʿarīfīn*, p. 33; Qummī, *al-Fawā'id al-dīniyya*, pp. 714–16, 742f.

83 Qummī, *al-Fawā'id al-dīniyya*, p. 724.

84 Qummī, *Ḥikmat al-ʿarīfīn*, pp. 35–42, 103–30, 248–82.

to have it both ways because he was infected by the theory of renewal in creation (*khalq jadīd*) of Ibn 'Arabī.⁸⁵ Of the latter, he says that his view is clearly invalid and opposed necessarily to both faith and reason (*buṭlānuhu fī ghāyat al-ẓuhūr mukhālīfun li-l-dīn wa-l-'aql ẓarūratan*). He also has extensive discussions on the nature of God's knowledge in order to demonstrate that not only is divine knowledge incapable of being compared to human knowledge but that one cannot deny his knowledge of particulars since explicit revealed text attests to it.⁸⁶ This again allows him indirectly to criticize Mullā Ṣadrā (*ba'd al-muta'akhhirīn*) for holding that God's knowledge is presential through the presence of those objects in the mind of God, just as infallible human knowledge is predicated upon the presence of those objects in the mind.⁸⁷ Qummī says that this view makes God dependent upon those objects external to him (precisely because of his rejection of monism), and that rational arguments derived from the very niche of prophecy (*barāhīn 'aqliyya min mishkāt al-nubuwwa*, i.e. from the *walāya* of the Imams) have taught him the falsehood of that doctrine.⁸⁸ He does not explicitly discuss resurrection but he does have a short chapter of relevance to the controversy where he denies that the spirit (*rūh*) is immaterial and hence denies the dualism of the human.⁸⁹

Although the text includes other key discussions in metaphysics such as the modalities of being, the nature of essences and so forth, the longest part is the conclusion on the invalidity of *waḥdat al-wujūd* that allows him to attack both Mullā Ṣadrā and Ibn 'Arabī.⁹⁰ He continues the theme of how monism is the key feature of precisely those thinkers who mix philosophy and Sufism based on their claims of having privileged, mystical intuition (*kashf*) of the truth, which means that they confuse the abstract notion of being *qua* being with God.⁹¹ Qummī seems to be arguing for a position of seeing God as beyond being.⁹² The long section attacking Mullā Ṣadrā contains copious citations from *al-Aṣfār al-arba'a* and *al-Shawāhid al-rubūbiyya*, probably the first instances of such citation anywhere, and focuses upon the reason for his mistake being the influence of Ibn 'Arabī on the issue of monism that has blinded him to reality.⁹³

85 Qummī, *Hikmat al-'arifīn*, pp. 252, 281.

86 Qummī, *Hikmat al-'arifīn*, pp. 42–102.

87 Qummī, *Hikmat al-'arifīn*, p. 63.

88 Qummī, *Hikmat al-'arifīn*, p. 70.

89 Qummī, *Hikmat al-'arifīn*, pp. 234–42.

90 Qummī, *Hikmat al-'arifīn*, pp. 312–98.

91 Qummī, *Hikmat al-'arifīn*, p. 314f.

92 Qummī, *Hikmat al-'arifīn*, pp. 283–85.

93 Qummī, *Hikmat al-'arifīn*, pp. 325–51.

He sums up his critique by stating that “the falsehood of these views is clear to one who has even the slightest knowledge of the faith”.⁹⁴ He then moves on to a long critique of Ibn ‘Arabī, the real culprit in his eyes, not the reviver of the faith but the “destroyer of the faith” (*mumīt al-dīn*).⁹⁵ While he does not explicitly use the term *kufṛ* to describe Mullā Ṣadrā’s views, preferring to suggest that he was misguided or just foolish (“only fools and the weak-minded fall for it”), he makes no such concessions here: each citation from the *Fuṣūṣ al-ḥikam* that he condemns begins with the phrase “and from among those things that indicate his unbelief and his misguidance” (*mimmā yadillu ‘alā kufrihi wa-ḍalālātih*). But the point is not lost on the reader. Mullā Ṣadrā espouses each one of these views either explicitly or implicitly: on *waḥdat al-wujūd*, on the nature of prophecy and its two types, on the relationship between God and cosmos. Mullā Ṣadrā is condemned by association. Furthermore, Qummī insists upon the fact Ibn ‘Arabī was an obstinate and fanatical Sunnī prejudiced against the Shī‘a, citing examples from his work—monism cannot be decoupled from Sunnism, and hence the very fact of its espousal leads to a questioning of the authenticity of Mullā Ṣadrā’s claim to be a Shī‘ī thinker.⁹⁶

Perhaps most significantly, Qummī’s conception of ‘*ulamā*’ is based on moral psychology and not an elitism of epistemology. ‘*Ulamā*’ are defined not by their disciplinary formation and their skill in epistemic arts but by their self-control and their abstinence from sin. At the end of *al-Fawā’id al-dīniyya*, he presents a tripartite classification: some ‘*ulamā*’ are virtuous, they forgo major sins and try not to commit minor sins consistently; others are the true friends of God—and it is clear that he means the Imams in particular in this category; and some do not take care of their hearts but allow their own caprice to dominate their minds and faith—and here it is clear that he is condemning Sufis and philosophers.⁹⁷

What is clear from this discussion of *waḥdat al-wujūd* and the social aspects of following the Sufi *shaykh* and the hermeneutics of *kashf* is that if one were to apply these charges to Mullā Ṣadrā, they would stick. He is critical of the method of *falsafa* and *taṣawwuf* as such because he associates them with the Peripatetic tradition and with the decadent *ṭarīqa* Sufism of the time.⁹⁸ However, his own work is focused upon a metaphysics of monism. He did hold that there was a singular reality of being, that one needed to have a spiritual

94 Qummī, *Ḥikmat al-‘arīfīn*, p. 326.

95 Qummī, *Ḥikmat al-‘arīfīn*, pp. 352–97.

96 Qummī, *Ḥikmat al-‘arīfīn*, pp. 391–96.

97 Qummī, *al-Fawā’id al-dīniyya*, pp. 773–76.

98 Rizvi, *Mullā Ṣadrā and Metaphysics*, pp. 20–26.

guide on the path to God and that mystical intuition was a valid and privileged mode of knowing. However, his understanding of such notions is far more sophisticated than most critiques. In his main work *al-Asfār al-arbaʿa*, a gross notion of *waḥdat al-wujūd* as implying that the totality of existence including God was one person is strongly rejected.⁹⁹ One wonders how he would have responded to Qummī's arguments—perhaps one of his followers did, but not in the Safavid period as even Fayz Kāshānī came off worse in his encounter with Qummī.¹⁰⁰ Ultimately, the arguments of Sufism and anti-Sufism, of philosophy and anti-philosophy in the Safavid period concerned the central question of how one knows reality and who best to follow to access true knowledge. Given the high stakes involved and the concomitant sense of what might constitute authenticity within a Shiʿi context, the polemics were shrill and understandably so.

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⁹⁹ *al-Asfār al-arbaʿa*, vol. 2, pp. 355ff.

¹⁰⁰ Khwānsārī, *Rawdāt al-jannāt*, vol. 4, pp. 14043; Jaʿfariyyān, *Siyāsāt*, p. 680.

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SECTION 3

The Modern Period



The Cost of Condemnation: Heresy and *takfīr* in a South Indian Community

Brian J. Didier

As so often in times of change, what was intended to restore the old ways turned out to foreshadow new and potentially revolutionary ones.¹

1 Introduction

As long as “good” or “orthodox” Islam is being defined and delineated, then “bad” or “heretical” Muslims will be identified, anathematized and sometimes persecuted. The use of *takfīr*, or heresy accusations, to stigmatize opponents and to sanction violence against them is certainly nothing new in the history of Islam. The *Qurʾān* itself is full of descriptions of infidelity (*kufīr*) and infidels (*kāfīrs*),² and a cursory reading of Islamic history shows that Muslims have long used these judgments of heresy when trying to define orthodoxy, identify deviants or denigrate rivals. Modern Islam is certainly not exempt from this concern. Charges of heresy are still being employed in many parts of the Muslim world, and persecutory violence aimed at fellow Muslims appears endemic. The Wahhabis, al-Takfīr wa-l-Hijra, al-Qāʿida and emboldened Salafis are just a few of the groups using *takfīr* in an attempt to silence critical voices. Along with countless individual victims, whole groups of Muslims—including the Shīʿa, the Ahmadiyya, many Sufi brotherhoods and secularists—have been accused of infidelity and targeted for opprobrium and violence. One wonders, in fact, if Muslims today are somehow more vulnerable to such persecuting tendencies than in the past.

Islam, of course, is not unique in creating such impulses. All religious traditions are marked by this twin concern for defining orthodoxy and stigmatizing deviance, and all too often there are those who use heresy accusations to enhance their own religious authority. It is equally true, however, that all religious traditions are equipped to handle such disagreements over beliefs and

1 Moore, *War on Heresy*, p. 61.

2 For a discussion of the importance of *kufīr* in Qurʾānic ethics, see Izutsu, *Ethico-Religious Concepts*, p. 135; see also Waldman, “The Development of the Concept of *Kufīr*”.

practices without the use of violence and in ways that leave lives and communities intact. Quarrels over what constitutes right doctrine, appropriate ritual, ethical propriety and the prerogative of sacred authority happen all the time, and more often than not, religious authorities accommodate or tolerate differences of opinion and practice. The objective of this paper is not to suggest that one tradition is more or less prone to persecuting its dissenters but rather to explore how the enduring concern for “true” religion is managed and to explain why, on occasion, religious difference becomes dangerous deviance and why tolerance (or at least ambivalence) is transformed into active and violent persecution.

In this contribution I will examine some of the disciplines available to religious authorities in Islam for managing the process of promoting a “true” version of Islam and offer some explanation for why this process degenerates into persecution. In particular, my aim is to explore how the instrument of *takfir* is used in intra-religious conflicts. To do this, I will approach *takfir* from two different directions. First, I suggest that we think about *takfir* as part of a more general dynamic of heresy that all religions share. I will argue that our understanding of *takfir* is greatly enhanced through a comparative framework that makes use of the remarkable scholarship regarding the role of heresy and heresy accusations in the construction of religious authority in Christianity. While observers of Islam have been quite slow to appreciate the general dynamics of heresy and to apply the framework of principles developed in this rich scholarly tradition, longstanding concerns regarding the comparison between Christianity and Islam need not deter us. The benefits of the comparison, I believe, far outweigh the costs.

Understanding the function of heresy accusations and appreciating the role of *takfir* in Islamic polemics also requires that we focus on specific communities, regimes of religious authority and dynamics of intra-religious conflict. I therefore turn to a religious conflict that has fractured a small Muslim community in south India to see if the general dynamics of heresy hold true and help us to understand such specific case studies. The conflict that I examine occurred on the island of Androth, the largest of the tiny coral atolls that make up India’s Union Territory of Lakshadweep. Formerly known as the Laccadives, this island region lies a few hundred miles off the coast of Kerala in southern India and constitutes the northern extension of a much longer Arabian Sea archipelago that includes, as one travels south, the Republic of Maldives and the Chagos Islands. The native inhabitants of both Lakshadweep and the Maldives are Sunni Muslims who were introduced to Islam by itinerant Arab

holy men and merchants who plied these waters during the first few centuries of Islam.

For over 40 years now the people of Androth have been engaged in a religious dispute compelling in its duration, conduct and impact on island social life. What started as a harmless dispute between a young Sufi brotherhood, known as the Shamsiyya, and a handful of critical clerics (*‘ulamā’*) in the mid 1960s gradually expanded into a more disruptive conflict over religious authority and the right to define Islam. Although the central allegation against the Shamsiyya was that they performed an unorthodox ritual that involved sitting on the beach and staring at the mid-day sun, this conflict is about much more than ritual innovation. When I arrived on the island in December of 1997 to carry out ethnographic research, the community stood fractured along this fresh fault line of discord. Over time, their religious split festered and became a much wider social divide. Couples had divorced, families had split and the two sides involved had become distinct congregations, each with its own mosques, *madrasas* (religious schools) and *maqbaras* (tomb complexes). Describing the aftermath of the conflict, one island man noted that while tensions had subsided, the “scar” of the conflict had become “bigger than the original wound.” Today, that scar remains, not quite healed and suppurating at the edges, vulnerable to the possibility of one day becoming a permanent sectarian break.

Takfīr played a crucial role in fracturing this community. In 1986 the *‘ulamā’* of the island issued a collectively authored, externally sanctioned and public *fatwā* of condemnation that defined the infidelities of the Shamsiyya, helped to stigmatize the accused group and altered social relations between the “heretics” and the community. Fortunately, the violence that followed the *‘ulamā’s* declaration was limited. The islanders, including some of the *‘ulamā’*, were not quite willing to translate condemnation into violent persecution. While such hesitation on the part of the community certainly raises some interesting questions about the limits of *takfīr* and the nature of religious authority, the fractured social life of the island is a testament to the power of heresy accusations in Muslim communities.

Why did the *‘ulamā’* issue this *fatwā* of condemnation? Why were the Shamsiyya subjected to persecution? A straightforward answer to these questions is provided by the *‘ulamā’* in their *fatwā* of condemnation, which I shall explore. The Shamsiyya followers, they argue, are guilty of *kufriyyāt* (acts of heresy) on account of a host of ritual and doctrinal errors. These errors are listed and explained in the *fatwā*, and it is certainly tempting for us to view

the condemnation and subsequent persecution as a direct response to the presence of heretical beliefs or practices maintained by the accused. And yet, as I shall argue, the assertions in the *fatwā* are essentially trumped-up charges that explain neither the timing of the *fatwā* nor the force of the *‘ulamā*’s condemnation. In fact, the beliefs and practices of the Shamsiyya do little to explain why they were targeted for opprobrium and persecuted as *kāfirs*.

An answer to these questions can be found in the *fatwā*, but one has to look closely, ignore the primary arguments that the *‘ulamā*’ offer and appreciate what scholars of medieval Christian heresy have been arguing for some time now—i.e., that heresy is an “ecclesiastical category”³ and has much less to do with the beliefs and practices of the accused than with the anxieties of the accusers. Applying this tenet to the Androth conflict means that we must broaden our focus in two ways. First, we must look not just at the instrument of condemnation itself (i.e., the *takfīr* or the *fatwā*) but also at the whole range of tools employed by the *‘ulamā*’ when confronting religious difference. Second, we must look beyond the Shamsiyya conflict itself and consider some of the broader forces shaping island Islam. As I shall argue, the Shamsiyya gradually became heretics over time not because of any real shifts in beliefs or practices on their part but rather as a result of the *‘ulamā*’s shifting tolerance. Put another way, heresy did not cause the *‘ulamā*’ to condemn and persecute the Shamsiyya; instead, heresy was a consequence of the process of persecution. The real or underlying cause of the persecution was a very different and far more substantial threat to island Islam and the *‘ulamā*’s authority to define it. For the past forty years or so the *‘ulamā*’ on Androth have been facing an increasingly restricted and competitive sphere of religious politics. The real threat to island Islam and the *‘ulamā*’s authority to define it was not the Shamsiyya but the dominant presence of the Indian state and the rising tide of Islamic reform movements that have now transformed every Muslim community in the modern world. I am not suggesting that the *‘ulamā*’ were cynically manipulating the facts in order to bring the public’s wrath down on a group they opposed. They were not hate mongers.⁴ What I am suggesting is that the function of the *fatwā* of condemnation was to reinforce religious authority of the *‘ulamā*’ that was slowly being eroded by the far more insidious threats of Indian secularism and anti-Sufi Islamic reform movements. Ultimately, it appears that such powers will challenge the authority of both groups—the *‘ulamā*’ and the Shamsiyya—to define island Islam.

3 I borrow this phrase from Asad, “Medieval Heresy,” p. 356.

4 For a detailed assessment of the Androth *‘ulama* and their responses to religious difference, see Didier, “The *‘Alim* and the Anthropologist,” pp. 21–29.

2 On the Nature of Orthodoxy and Heresy

The recurrent use of *takfīr* over the course of Islamic history demonstrates that Islam, like any other religious tradition, has produced disciplinary techniques both for defining right doctrine and practice and for defending it against deviance. Muslims, too, are concerned with orthodoxy, and some have even been willing to condemn and persecute those deemed to be beyond the pale. Put simply, Islam is not immune to the vagaries of religious power and authority that include an abiding concern with orthodoxy and a willingness, on the part of some, to mark religious difference as heretical and to confront it with violence. Unfortunately, scholars of Islamic history have been quite slow to appreciate the authoritarian and persecutory tendencies in Islam and to describe how instruments of religious discipline have been employed in Muslim communities. Similarly, we have failed to take advantage of a growing body of research that has identified some general dynamics of heresy and the exercise of religious authority. This research, I believe, can help us in understanding the nature and function of *takfīr* and why it is being used with such frequency today.

Why the reluctance to explore *takfīr* and heresy accusations in Islam? Much of the resistance to discussions of heresy and its concomitant orthodoxy stems from two distinct sources. The first is an exaggerated sense of Islam's singularity, particularly with regard to religious authority and the disciplines available to enforce ritual and doctrinal conformity. For those who make this argument, Islam's distinctiveness becomes evident against the backdrop of Christian history. The foil of the Catholic Church and its inquisitorial history is used to put Islam in a more positive and anti-authoritarian light. The argument put forward is a deductive one that rests on the premise that Islam has no Church or ecclesiastical body given the authority to define or uphold orthodoxy and concludes that Islam has no orthodoxy or heresy and is thus fundamentally anti-authoritarian. Such logic, for example, led Ignaz Goldziher to assert that Islam is characterized by "the complete absence of any dogmatic impulse."⁵ Lindholm's more recent version of this argument makes similar claims:

Sunni Muslims have no authoritative body to interpret doctrine, no ecclesiastical council, no synods or pope, as in Christianity, no gaon as in Judaism, no sanctified imam, as in Shi'ism. There are no formal priests,

5 See Goldziher, "Catholic Tendencies," p. 123.

no official church, no church hierarchy. In principle, Sunni Islam is resolutely anti-authoritarian.⁶

This kind of argument begins from a premise that is true—i.e., that Islam has no “official” church or superordinate governing body—but makes faulty conclusions that fly in the face of much evidence from the Muslim world, both contemporary and historical. While it has no Church, Sunni Islam certainly does have regimes of authority at subordinate levels (including those of empire, state and community) willing and able to define and defend what they see as “true” Islam. Islam has a long tradition of heresiology and a rich vocabulary for distinguishing degrees of infidelity. This discourse has been employed not only to condemn alleged heretics but also to justify more punitive measures. As Lewis has duly noted:

From time to time, heretics were tried and condemned . . . and punished by imprisonment, whipping, decapitation, hanging, burning, and crucifixion. Inquisitions were rare, but the ordinary Islamic judiciary could be empowered to deal with the discovery and punishment of religious error.⁷

The relevant points here are that one does not need a formal church body to define orthodoxy or pursue heresy and that all kinds of regimes can be authoritarian in enforcing religious conformity. Regardless of whether their authority is “institutionalized,” guaranteed by the state and enforced with its power or guaranteed only by the consensus of the community, religious regimes in Islam are capable of disciplining those under their authority.⁸

If the “anti-authoritarian” argument underestimates the power and authority of local regimes, it also exaggerates the power of formal hierarchies. The medieval Catholic Church, for example, was perfectly capable of tolerating and accommodating points of religious and political difference.⁹ It is also worth

6 Lindholm, “Prophets and Pirs,” p. 209. For similar arguments, see Makdisi, “Hanbalite Islam,” p. 251; Baldick, *Mystical Islam*, p. 7.

7 Lewis, “Some Observations,” p. 60.

8 Talal Asad has argued that “institutionalized techniques” for securing a “willing acceptance of the Church’s authority” are foreign to Islam. See Asad, “Medieval Heresy,” p. 356. Again, such an argument seems to put far too much emphasis on Islam’s lack of institutionalized authority and too little on the informal nature of religious authority and the informal yet traditional techniques, including *takfir*, for securing religious conformity.

9 For discussions of the Church’s moderate approaches to religious dissent, see Peters, *Inquisition*, pp. 40–74; also see Moore, *The Formation of a Persecuting Society*, pp. 6–29.

noting that despite its episodes of doctrinal rigidity and efficient mechanisms for fixing dogma during the Middle Ages, the Church was never particularly successful in establishing religious conformity. As R.I. Moore has argued, the

structure of the Western Church itself in the early middle ages was one which permitted, and was bound to permit, a much greater variety than would later be thought consistent with the maintenance of Catholic unity. It had not yet developed the means, or, some would say, the inclination, to demand uniformity of worship and practice throughout Western Christendom.¹⁰

Once we admit that the history of Church authority is more complex than commonly described, it becomes easier to appreciate that Islam, too, has its own authoritarian and persecutory tendencies. Again, there is ample evidence to suggest that religious authorities in Islam can be as persecutory (or permissive) as any other religious elite. Rather than viewing the persistent examples of dogmatism in Islam as exceptions to the rule of latitudinarianism, we ought to view them as episodic eruptions of a strain of intolerance that Islam shares with most other world religions. When we are talking about the dynamics of religious authority, the differences between Islamic and Christian history are of degree, not of kind.

The second source of reluctance stems from the semantic issue of defining orthodoxy and heresy. If, for example, orthodoxy is defined as “essential” or “authentic” doctrine and used as a measure for proximity to the one “true” religion, then those of us employing the term appear to be acting as arbiters of what constitutes the real Islam. Understandably, many of us are unwilling to privilege one form of belief or practice (the “orthodox”) over another (the “heterodox”, “unorthodox” or “heretical”) and want little to do with deciding who is or is not an authentic Muslim. We may speak of piety, of dominant forms or even of layers of consensus or shared belief and practice; we are far less willing to speak of an orthodox Islam. Similarly, we may speak of beliefs and practices as novel, marginal or deviating from a particular norm; we are not willing to describe belief and practices as incorrect, unorthodox or heretical.¹¹

One way of resolving the issue of meaning has been to revise the definitions of our terms to reflect the sociological reality that when it comes to religious traditions, the relation between belief, doctrine or practice on the one hand,

¹⁰ Moore, *The Formation of a Persecuting Society*, p. 69.

¹¹ In a recent article, Wilson suggests that we ought to abandon the term “orthodoxy” when describing Islam. See Wilson, “The Failure of Nomenclature”.

and truth, authenticity and essence on the other is a matter of human interpretation. And those human interpretations tend, at any one time or place and over the course of time and space, to be varied. For example, in her exploration of Puritan religious politics in early America, Janet Knight offers a compelling definition that refers not to truth per se or the existence of an absolute norm but to truth claims that are historically constituted. "Orthodoxy," she argues, is "not as a stable category describing either transcendent truth or doctrine sanctioned by prior articulation . . . but is a mutable, socially produced category—a description of the official structures and codes designed to mark lawful from illegitimate[.]"¹² According to this definition, the orthodox are not those closer to the truth but those who have the power to define and enforce their own version of it. The only adjustment to make is to suggest again that the marking of orthodoxy and heresy in Islam occurs as much through unofficial structures of authority as it does through any official ones. We should also remember that religious regimes operating without the legitimacy of public office or the backing of the state can still be very effective in defining and policing the bounds of authentic Islam within their jurisdictions. Carefully employing the terms "orthodoxy" and "heresy," therefore, avoids the implication that there exists an absolute norm or authority for determining what is or is not orthodox and suggests nothing about the authenticity of the doctrines upheld other than that they are maintained through power. It does, however, help us reveal much about the power and polemics of those who champion themselves as "true" Muslims and stigmatize others as dangerously deviant.

Once we begin to appreciate that Islam, too, has orthodoxy and heresy, then a whole new world of comparative scholarship opens up to us for evaluating the dynamics of *takfīr*. As I have been suggesting, the body of scholarship that has focused on the war against heresy in the medieval Catholic Church has offered some tantalizing hypotheses. Two broad conclusions, in particular, should shape our explorations of Islam. First, observers of medieval heresy have noted for quite some time now that heresy and heresy accusations have much to do with the behaviors, motives and experiences of the religious authorities making the accusations. As Talal Asad argues, the phenomenon of heresy is "rooted in the extension of ecclesiastical authority."¹³ It is, he reminds us, "an ecclesiastical category, a distinctive ecclesiastical event that is constructed by ecclesiastical judgment."¹⁴ Moore makes a similar argument when

12 Knight, *Orthodoxies*, pp. 4–5.

13 Asad, "Medieval Heresy," p. 354.

14 Asad, "Medieval Heresy," p. 356.

he suggests that heresy “lay with beauty in the eyes of the beholders.”¹⁵ The methodological implication here is that those of us seeking to explain heresy accusations must focus less of our attention on the deviance of the supposed heretics and more on the anxieties of the religious authorities. In our case, that means paying close attention to the *‘ulamā’* and the way they have approached religious difference in the community.

A second broad conclusion that emerges from this literature is that it is neither natural nor inevitable that religious difference be met with overbearing violence. We cannot assume, in other words, that religious authorities persecute “as a matter of course.”¹⁶ A number of likely possibilities ought to qualify the persecution we sometimes find. First, the rhetoric of intolerance is not always coupled with actual or consistent persecution. As Lewis has rightly pointed out, Muslim polemicists “are ready enough to hurl accusations at those whose doctrine they disapprove of, but they are often reluctant to pursue their charges to their logical conclusions.”¹⁷ Second, religious authorities almost always rely on the capricious consensus of subordinates and the wider community. While religious authorities may advocate persecution, the community does not always do their bidding. Finally, persecutory behaviors are rarely the whole story of contentious action. While public condemnations and inquisitorial violence rightly deserve our attention, it is often true that religious authorities confront difference in less coercive or violent ways. The methodological implications here are that understanding heresy accusations or the use of *takfīr* requires that we appreciate the difference between theory or rhetoric on the one hand and the practice of persecution on the other. We must also remember to place coercion and violence against the background of other conflict behaviors. We may find, for instance, that religious authorities in Islam are not unlike those in the medieval church who were willing to accommodate difference. Similarly, we may find that religious authorities in Islam are not unlike authorities in the later Roman Empire in appreciating that “divisiveness in matters of religion . . . would have been a recipe for disaster” and

15 Moore, *The Formation of a Persecuting Society*, p. 67.

16 Moore, *The Formation of a Persecuting Society*, p. 2. Peter Brown makes a similar point, arguing that the “peremptory statements of intolerance” (p. 39) by philosophers and rulers in the late Roman Empire must be viewed in the context of the “mute restraints” exhibited in late Roman society and manifested in “traditional codes of behavior” (p. 38) that emphasized civility. He argues that while we may not find a modern notion of tolerance in the late Roman Empire, we do often find the “peaceful coexistence of persons of different faiths” (p. 38). See Brown, *Authority and the Sacred*, pp. 29–54.

17 Lewis, “Some Observations,” p. 53.

recognizing the need for measures of ambivalence, courtesy or persuasive force to ensure conformity.¹⁸ In short, understanding heresy requires that we focus on the variety of ways in which religious authorities manage difference or dissent.

3 Island Islam

Before exploring the nature of the argument between the Shamsiyya and the island '*ulamā*' it is useful to consider the nature of island Islam and the degree to which these two groups share a religious outlook. Appreciating both the degree to which the '*ulamā*' and the Shamsiyya overlap in their beliefs and practices and the challenges they face together helps us to assess critically the *fatwā* of condemnation and its impact on island society. In fact, the high degree of ideological overlap between the two groups makes this conflict and the *fatwā* of condemnation even more peculiar and requires that we find an explanation that does not rely so heavily on the factor of deviation.

What did these two groups share? My own observations and many interviews suggest that a clear religious consensus exists between the '*ulamā*' who signed the *fatwā*, the Shamsiyya followers and many other islanders. Keeping in mind that orthodoxy is "a hard-won status, always partial, ceaselessly contested"¹⁹ we can, I believe, identify a dominant, albeit fluid, form of island Islam. We can also borrow a phrase from Alexander Knysh and call this an "orthodoxy-in-the-making," which he defines as "a more or less generally accepted religious outlook that immediately comes to the forestage, when some vital aspect of religious establishment is perceived as being endangered."²⁰ This perception of threat is important: as religious identities are perceived as endangered, orthodoxy is articulated in more explicit ways and used to reinforce the integrity of the community and to identify who is in and who is out. For observers, this dynamic of threatened identity is methodologically useful in the sense that it helps to throw a religious outlook into relief. The islanders certainly spent a lot of time marking their religious identity and telling me about their ideological opponents. When we combine such discourses with fieldwork observations we begin to get an idea of what island Islam is like.

A sense of being endangered came to the forefront of my conversations with islanders almost immediately. When pressed to distinguish the kind of Islam

18 Brown, *Authority and the Sacred*, 47.

19 Knight, *Orthodoxies*, p. 30.

20 Knysh, "'Orthodoxy' and 'Heresy' in Medieval Islam," p. 64.

found on Androth most religious authorities identified themselves explicitly as *Ahl-i Sunnat wa Jama'at* ("people of the Prophet's way and the majority community"). There is, of course, nothing remarkable about this designation. By claiming they are *Ahl-i Sunnat* the islanders are pointing out what is obvious: they are Sunnis, part of the "majority" community, and thus not Shī'a, Ahmadi or any other sect of Islam. And yet, what surprised me was the frequency with which the term was used and the self-conscious way it was put forward. By employing this label the islanders were doing far more than just locating themselves on one side of Islam's great sectarian divide. The islanders' use of the phrase "Ahl-i Sunnat" is oppositional, and the persistent and exclusive claims to this majority position point to a religious environment animated by a competition to be this voice of orthodoxy. The islanders, in other words, were no longer Sunnis as a matter of circumstance, but were Sunnis as a matter of identity. They had become self-conscious and "oppositional" Sunnis.

But who was the opposition? Curiously, the Shamsiyya were not the "other" against which this identity was being constructed. Both the *'ulamā'* who wrote the *fatwā* and the Shamsiyya were making the same assertions of identity. Both groups claimed the mantle of *Ahl-i Sunnat*, and there was no real difference in how each group defined that identity. The religious outlook that these two groups share and that many islanders see as authentic Sunni Islam is mediated, devotional and hierarchical. It is an intercessionary form of Islam, widespread in the Muslim world, that holds that some individuals are qualified—by virtue of religious knowledge, spiritual achievements, heritable traits, extraordinary piety or some combination thereof—to serve as mediating authorities between the transcendent and terrestrial worlds. This religious outlook maintains two different yet complementary paths to God, each with its own religious authority or guide. The islanders believe, on the one hand, that God has made his will known to man and that following religious law or *sharī'a* as articulated by the *'ulamā'* is the surest path to salvation. This island orthodoxy also holds that God continues to intervene in this world and guides those who seek a more direct or intimate experience of his divinity down the mystic path of the Sufis known as the *ṭarīqa*. This path involves a hierarchy of saints and host of supererogatory rituals designed to facilitate the saints' blessings, deliver the boons they have to bestow and ultimately foster a uniquely intimate relationship with God. These rituals are performed in a host of spaces including mosques, *madrasas* and *maqbaras*. Androth ritual life is thus extraordinarily rich as piety is cultivated through a bounty of rituals that range from the solitary and sober to the collective and ecstatic.

The command of this intercessionary Islam on Androth has been maintained by a long-standing and collaborative yet nonetheless competitive

alliance between the *‘ulamā’* who uphold *sharī‘a* and the Sufi shaykhs who maintain *ṭarīqa*. For example, almost every conversation I had with a Sufi shaykh or an *‘ālim* entailed a discussion of how the Sufi path or *ṭarīqa* only complements the law of *sharī‘a* and never contradicts it. This delicate balance has been made possible not only because Sufi orders have been interested in maintaining their commitment to moral probity and the letter of the law, but also because many *‘ulamā’*, too, have recognized that the truths approached through *ṭarīqa* represent the ultimate expression of devotion to God. Sufism, in other words, is viewed as indispensable, a necessary complement to religious law. In a late night conversation, one of Androth’s *‘ulamā’* characterized the limits of the *sharī‘a* in a striking way: “*La ilāha illa Llāh*,” he murmured, referring to Islam’s profession of faith, “it’s like a light bulb with low wattage.” And the *‘ulamā’* were certainly putting their piety where their pronouncements were: most of them were initiated members of one of Androth’s Sufi brotherhoods.

Consensus regarding the right balance of *sharī‘a* and *ṭarīqa* on an intellectual level does not, of course, preclude conflict on the social level. In order for the intellectual accord between the *sharī‘a* and the *ṭarīqa* to be translated into synchronized social action and for the competitive friction between the *‘ulamā’* and the Sufis to be minimized, a division of religious labor is maintained where each group exercises its authority within a relatively discrete domain of social action. On the one hand, the *‘ulamā’* are the guardians of the very public knowledge of the *sharī‘a* and its universal application. They see the pulpit and public preaching as their primary domain and prerogative. They preach publicly in and around the mosques, provide formal religious instruction in the *madrasas* and grant behavioral assessment in the form of written *fatwās* and oral advice. In contrast, the trade of the Sufis—who deal largely in esotericisms and supererogatory rituals—is a more restricted one. Access to the knowledge of the *ṭarīqa* requires spiritual qualification, initiation and the guidance of a guide or shaykh. Such knowledge, both the *‘ulamā’* and the Sufis agree, ought to be concealed from the ordinary believer lest it lead to confusion or infidelity. Sufi preaching is usually conducted within the walls of the tomb-shrine (*maqbara*), a sacred and relatively autonomous space open to the public only at appropriate times. The knowledge and authority of the *‘ulamā’*, while important for the brotherhoods, is not ultimate here. The paramount authority in this domain is that of the shaykh.

The history of Islam reveals that this tension between spirit and letter occasionally produces conflict and has produced episodes of conflict that

have proven formative as far as Sufism is concerned.²¹ Much of the friction that occurs between the Androth Sufis and *‘ulamā’* stems not from doctrinal disagreements regarding the role of Sufism, esotericism or devotionism in Islamic life—on these things they agree—but rather from failures to maintain the distinct domains of social practice and discourse that these groups occupy. Tension typically arises when the island Sufis push esoteric knowledge or ecstatic behaviors into the public realm. As we shall see, it sometimes happens that Sufi handbooks containing the writings of the shaykh and not intended for public consumption find their way into the hands of the uninitiated. Similarly, things said or done within the confines of the *maqbara* are made public. Also, ecstatic practices performed outside the ritual context and beyond the watchful eye of the sheikh are likely to attract opprobrium from both Sufis and *‘ulamā’* alike. Another way in which the division of labor is transgressed is when Sufis feel they are not bound by the obligations of the *sharī‘a*. They may openly behave in a tactless or provocative way—say, by making remarkable claims to spiritual power or by staring at the mid-day sun. All of these things have occurred recently on Androth, without much incident. Typically tensions are reduced through obsequious behaviors on the part of the Sufis and through discreet confrontation by the *‘ulamā’*.

If from a doctrinal standpoint, the Shamsiyya were indistinguishable from the others who upheld this orthodoxy, then who, in the eyes of the islanders, represented the real opposition? The identity-inducing antagonist, the “other” against whom the “Ahl-i Sunnat” moniker was being invoked, is a character that deserves some of our attention. The role this specter played in the island religious imagination was made clear to me when, in response to my questions regarding the presence of Islamic reform groups on other islands, one prominent Androth *‘ālim* exhorted: “There are no Wahhabis here!” This assertion was not exactly correct. As in Kerala and other parts of India, the term “Wahhabi” is used indiscriminately to denigrate just about anyone who seeks to challenge intercessionary Islam and the cult of saints.²² The *‘ulamā’* and the other islanders who employed the term of derision were referring not to the Wahhabism that has flourished with the support of the Saudi state but

21 The story of Manṣūr al-Ḥallāj—brutally executed for his religious and political infidelities—is popular among island Sufis and was often told by them to emphasize the dangers inherent in balancing *sharī‘a* with *ṭarīqa*.

22 For a discussion of the term “Wahhabi” in the context of the subcontinent, see Sanyal, *Devotional Islam*, pp. 240–248.

to those Islamic reformists who pose a fundamental threat to what they view as traditional Islamic piety. The reformists I met on the islands or in Kerala rejected the designation “Wahhabi” as implying a fanaticism and narrow-mindedness that contrasted with their desire to modernize and rationalize Islam. Instead, they identified themselves as “Mujāhids” and pointed out that while the term “*mujāhid*” is derived from the noun *jihād*, their struggle was not a violent one against an external enemy but a more moderate attempt to reform both the self and the wider Muslim community.

The agenda of the Mujāhids gives us a good sense of why both the ‘*ulamā*’ and the Shamsiyya supporters were so vehement in identifying with the Ahl-i Sunnat and deriding the “Wahhabis.” The Mujāhids in Kerala, along with many other reform groups in the subcontinent and beyond, are targeting exactly the kind of intercessionary Islam that we find so prominent on Androth. The Mujāhids oppose the religious authority of both the ‘*ulamā*’ and the Sufis and abhor the status differences both groups require to maintain their mediating authority. The Mujāhids assert that much of the devotionism surrounding the Sufi brotherhoods and their saint shrines is idolatrous polytheism (*shirk*) and irrationally superstitious. Modernist in their use of independent reasoning (*ijtihad*) when approaching the Qur’ān and the *sunna*, the Mujāhids are also critical of the ‘*ulamā*’s traditionalism and “blind imitation” (*taqlid*) of legal precedent. They advocate for advances in religious pedagogy and oppose what they characterize as the rote learning and memorization found in the *madrasas* and religious colleges (*dār al-‘ulūm*). It is not simply that these groups eschew the practices of devotional Sufism or the authority of the legal schools; the target of their opposition is the principle of privileged intermediary authority. They encourage believers to communicate directly with God and to approach salvation only through scripture and the *sharī‘a*. Their aim, and this a number of Mujāhids in the region made clear to me, is not to destroy the island shrines or to ban such beliefs but to convince people to abandon them.

By the 1980s Mujāhids could be found on just about every island in the territory. Androth, however, was peculiar. A fair number of the islanders were sympathetic to Mujāhid aims and quietly critical of the conservatism of the ‘*ulamā*’ and the intercessionary claims of the Sufis. This presence does not, however, make a movement, and this is where the comment “There are no Wahhabis here!” has some validity. In contrast to other islands in the territory, there was no significant Mujāhid opposition on Androth. The reformist sympathies expressed by many of my friends had yet to evolve into a movement publicly and actively committed to the transformation of island Islam. Very few were willing to publicly condemn either the Sufis or the ‘*ulamā*’ and to advocate for the fundamental religious changes necessary to undermine island orthodoxy.

There was no formal organization and no identifiable leadership, and there were very few individuals willing to offer a publicly articulated alternative reformist ideology. Without mosques or their own social events to attract attention and focus reform activities, those with Mujāhid leanings had little choice but to participate unenthusiastically in island religious life or to opt out altogether. There was only one exception to this rule of passivity. A man who called himself Fathahuddin was defiantly proud to be a Mujāhid. I heard much about this “crazy Wahhabi” who preached openly against the Sufis and called for comprehensive reform of island religion. According to my friends, his speeches were well attended not by supporters but by those who found his belligerence hilariously entertaining. Fathahuddin’s lone voice certainly suggests that Androth has been remarkably resistant to Islamic reform movements. Whether the barrier of island orthodoxy can survive the Shamsiyya dispute is a question we will consider in more detail later. Let us just say that evidence from around the region suggests that the ideological ramparts of Androth devotionism may not last long. From this perspective, the phrase “There are no Wahhabis here!” begins to look like wishful thinking or a kind of mantra that, repeated often enough, might stave off the malevolence the *‘ulamā’* feared was heading their way.

There is one final challenge to the *‘ulamā’s* authority that is worth mentioning but that was not in any explicit way recognized by the island’s religious authorities. While the *‘ulamā’* have had to defend their own authority against fellow Muslims within the religious sphere, they have also had to contend with the interventionist tendencies of the secular Indian state. The ability of any of the islanders to shape governance, public policy, law or education has been greatly reduced in the post-Independence period. Given their status as a “Union Territory,” the islands are administered centrally by the Indian government in Delhi. The island administration, which is largely an appointed body, maintains a near monopoly on governing power. As a result, religious authorities have seen their sphere of influence diminished. Differentiated religious and political spheres have significantly reduced the *‘ulamā’s* ability to affect policy, law and education. The *‘ulamā’* today have no more or less of the limited access to the administration than any other of the islanders, and in the realm of law, the state has gradually dismantled any local legal structures and imposed its own codes, procedures and court system. This is not to suggest that the Lakshadweep administration ignores the fact that this society is composed of all Muslims, and it is certainly not to imply that either Islam or the *‘ulamā’* have no influence in the public sphere. The boundary between the spheres of religion and state in India, as elsewhere, remains porous, and in its attempt to accommodate local Islam, the state has, for example, banned

alcohol from the inhabited islands. Moreover, it has preserved a sphere of influence where the *'ulamā'* retain authority and a large degree of autonomy. In mosques and *madrasas*, they have ample opportunity to shape public opinion and set standards of public morality, and they certainly use that pulpit to weigh in on local issues and elections. Nevertheless, their sphere of influence has been diminished by the state's growing power. How the secularization of island society and polity has played into the *'ulamā's* decision to ratchet up the conflict, however, is not so obvious. Neither the state's presence nor its policies caused the *'ulamā'* to pursue the Shamsiyya. What can be argued is that tensions were amplified and stakes appeared high in this conflict in part because the spoils of religious authority had become so limited.

4 The Early Years: Private Admonishment and Public Debate

The story of the Shamsiyya conflict begins in the mid 1960s, when a man named Attakoya undertook a spiritual journey that took him as far as Andhra Pradesh in central India. According to his followers, it was there that Attakoya was first initiated into a branch of a popular Sufi brotherhood, the Qadiriyya *ṭarīqa*, and was given permission to accept and teach his own disciples. Returning to Androth after his spiritual hiatus, Attakoya began to preach, as many Sufis do, and soon found himself with a rapidly expanding group of island followers. Sufism was certainly nothing new to Androth. The island already supported a thriving Sufi community that included three regional brotherhoods²³ and three local ritual troupes or "pious nightclubs."²⁴ Many who supported the Shamsiyya argued that Attakoya was targeted for his popularity and that the petty jealousies of the religious establishment were at the heart of the whole affair. At the time, Androth's population would have been less than ten

23 Three distinct brotherhoods with origins on Androth and operations in Kerala currently attract a large number of both islanders and mainlanders. The oldest of the island brotherhoods, and the only one currently based on Androth itself, goes by the name of Shattariyya ul-Qadiriyya wa Rifa'iyya. The group's name—an amalgam of three prominent first-order *ṭarīqas*—explicitly advertises the multiple strands of Sufi discipline that make up the group's spiritual heritage. Both the Shamsiyya and a third brotherhood, known as Qadiriyya Sufiyya, emerged from Androth in the 1960s.

24 I borrow this phrase "pious nightclub" from Trimmingham because it captures quite well the entertainment function of these local, lineage-based ritual groups. See Trimmingham, *Sufi Orders*, p. 21. All three of these troupes on Androth trace their descent to Syed Mohammed Kasim, the island region's first Sufi. Their primary function is to perform *dhikr* and other devotional rituals in small lineage mosques.

thousand, and all these Sufi groups vying for followers in this shallow pool would certainly have been competitive. That Attakoya was so successful in attracting disciples in such a competitive arena suggests that he was doing things differently—or had something new to offer. The islanders I spoke to agreed that if nothing else, Attakoya was both charismatic and eccentric. These qualities, it seems, made him an object of concern for the island *‘ulamā’* and the existing Sufi organizations. But what really drew the attention of the islanders and the ire of the *‘ulamā’* was a practice that involved lying on the Androth beaches and staring at the mid-day sun. Androth, it must be said, was renowned in the region for its ritual effervescence. The “howling dervishes” of the Rifa’i brotherhood, in particular, stood out for their raucous rituals of drumming, chanting and self-mortification.²⁵ These Rifa’i practices—which include piercing the face, arms and torso with long metal skewers—have long been sanctioned under island orthodoxy. Behaviors involving sun staring or sun worship, however, have not.

What do we make of this sun-staring ritual? A Shamsiyya friend admitted to me that Sheikh Attakoya sometimes employed peculiar healing techniques. If you had heart problems, for example, he would recommend running up and down a hill. If you had cut yourself, he would advise rubbing dirt in the wound. It is said that maladies of the eye were once common on the islands, the result of too much exposure to sunlight reflecting off the white sand. Sheikh Attakoya’s counterintuitive prescription for this malady entailed a “healthy” dose of staring at the sun. With a look of disdain, my friend then argued that if so many people imitated or abused the techniques, it was no fault of the Shaykh’s. The derogatory term “Shamsiyya,” now used to refer to Attakoya’s followers by many of the islanders, as well as administrators and court officials, reflects this ignominious ritual past: “*shams*” is the Arabic word for sun.

For our purposes, what really happened on the beaches of Androth is beside the point. What is important is how people reacted to the allegations. According to island clerics, the question of sun worship was taken up at a discreet meeting at the island’s Friday mosque. With Shamsiyya supporters in attendance all parties apparently agreed that staring at the sun was an inappropriate and unorthodox form of worship, and for the next ten years or so no public drama occurred. There is no mention of any other meetings or any coercive action taken against the Sheikh or his followers. Whatever piqued the interest of various island *‘ulamā’* at this early stage appears to have been

25 In his description of Rifa’i rituals in Surat, in northwestern India, Peter van der Veer highlights the degree to which the Rifa’iyya are vulnerable to the rhetorical attacks of reformist Muslims. See van der Veer, “Playing or Praying”.

addressed with the tactics of persuasion and private admonishment and in ways that avoided open hostilities.²⁶

If there had been any sun-staring practices, they, along with much of the Shamsiyya's Androth following, disappeared within Attakoya's lifetime, vanishing, perhaps, as rumors of the Shaykh's infidelity began to circulate. A core group of committed disciples remained on the island, but the center of the brotherhood's operations shifted to the areas around Kozhikode and the Malappuram district of Kerala—the traditional recruiting grounds for many a Sufi shaykh from the islands. Although seriously diminished on Androth, membership was expanding in Kerala, and when Attakoya died, there were enough committed followers to keep the brotherhood alive.²⁷

Attakoya's death in 1980 and the rise of a new Shamsiyya shaykh mark a transition in the nature of the dispute. Within the year, tensions had risen to such a degree that the island administrator was compelled to sponsor a public debate in which Androth's leading clerics and some of the new Shamsiyya supporters from the mainland argued openly in front of a large audience. Both sides attempted to claim the mantle of orthodoxy in part by accusing their opponents of disbelief (*kufṛ*). It should come as no surprise that a public airing of grievances and accusations produced no resolution. Instead, the public vitriol only amplified religious tensions. It is important to note, however, that no violence erupted at this stage. Following the debate, the conflict entered a new phase of antagonism, but it would take another six years for it to reach its apogee of incivility.

It was in 1986 that Androth's newly formed *sharī'a* protection committee—known as Jameyyathu Himayathi Shareeathil Islamiyya (JHSI for short)—decided to issue its collective and public *fatwā* in which the Shamsiyya sheikhs and followers were condemned for a host of infidelities. According to the ten '*ulamā*' who wrote the decision in 1986, the followers of the Shamsiyya were guilty of *kufriyyāt*, or what we might loosely translate as "acts of heresy." The leader of the island's ancient Jum'a Masjid (Friday mosque) condoned the *fatwā*, condemned the Shamsiyya for their heretical beliefs and banned them from entering the Jum'a Masjid—in effect banishing them from the

26 My own research into alternative modes of disputation employed by the island '*ulamā*' suggests that such discretion and civility was not out of character. See Didier, "Conflict Self-Inflicted," pp. 61–80. Also see Didier, "When Disputes Turn Public".

27 A massive tomb-complex newly built in the late 1990s near the town of Kondotti, in Kerala, is a dramatic symbol of how successful the Shamsiyya have been in creating a vibrant Sufi brotherhood in spite of significant clerical opposition.

local community of the faithful. Other mosque administrators followed suit by prohibiting the Shamsiyya from entering their mosques. The 'ulamā' also extended the field of potential *kufṛ* by arguing that those who supported or associated with the Shamsiyya *kāfirs* were to be treated as *kāfirs* in their own right. The intention, of course, was to isolate the Shamsiyya further and to punish those offering them support and sanctuary. The message and the logic were clear: if the Shamsiyya were *kāfirs*, then religious spaces and social relations must be sanitized and kept free of defilement. An ominous consequence of the *fatwā* was a very brief and limited outbreak of violence. When the Shamsiyya challenged the prohibition and attempted to enter the island mosques, they were physically attacked: stones were thrown and people were assaulted. No one, however, was seriously injured as a result of such incidents.

5 The *Fatwā* of Condemnation: Trumped-up Charges

The question was submitted to the Jameyyathu Himayathi Shareeathil Islamiyya . . . and was discussed in the meetings of the council . . . Based on the following reasons, a unanimous decision was reached that the Shamsiyya *ṭarīqa* . . . is guilty of *kufriyyath* [acts of heresy].

When set against the background of a shared island orthodoxy, the timeline of the island conflict and the wider repertoire of contention employed by the 'ulamā', the *fatwā* of condemnation appears even more confounding. Why did the 'ulamā' feel compelled to issue such a divisive *fatwā* when in the previous years of the conflict they proved willing to confront religious difference with discretion and civility? Why, given the ideological overlap, were the Shamsiyya perceived as such a dangerous threat to island Islam and the 'ulamā's authority to define it? At this stage we may be tempted by the argument that the Shamsiyya must be guilty of some egregious error. Some deviation must be the cause behind the persecution. Otherwise, the 'ulamā's decision to put their own authority and communal harmony at risk makes no sense. That, at least, is the core of the argument made by the *sharī'a* protection committee. Their *fatwā* of condemnation provides us with an explicit and public record of their argument.

What makes the Androth *fatwā* so fascinating and potent is that it actually combines three distinct mechanisms—*iftā'* (*fatwā* writing), *takfīr* and the collective force of the *sharī'a* protection committee. In his description of *fatwās* of condemnation, Willis argues that they

constitute an extraordinarily provocative genre of *responsa* in the annals of Islam. They provoked action; they aroused rebuke; and they served to banish from the fold of Islam the most troublesome elements, who threatened to unravel the fabric that bound one Muslim to another.²⁸

Willis is largely correct, although it must be said that the force he describes is only latent. *Fatwās* of condemnation certainly produce dismay among their targets; they do not, however, necessarily provoke action, persecutory or otherwise. The collaborative nature of religious authority can limit the effectiveness of the '*ulamā*' and their *fatwās*. As Zaman has persuasively argued, there is often "a considerable *disjunction* between the formal discourses of the '*ulamā*' and the range of political and other practices in which they participate" [italics added].²⁹ They can say or write what they want, but the force of a *fatwā*, like that of religious authority itself, is largely determined by the general public and a political environment beyond the control of the '*ulamā*'. When such assertions are taken seriously by the general public or by those with political power, one understands how they could inspire punitive action on the part of the community or a retributive response on the part of the accused.

And how could the Androth public fail to take this *fatwā* seriously? A *fatwā* of condemnation that was collectively authored by ten '*ulamā*' of JHSI, taken to the neighboring state of Kerala for formal approval by the president and 22 members of Kerala's Samastha Jamiyyat al-'Ulama, and issued publicly from the pulpits of many island mosques certainly suggests that the '*ulamā*' saw the Shamsiyya as a serious threat. The authoritative weight of the Androth *fatwā* should not, therefore, be underestimated.

5.1 *The First Accusation: The Prerogatives of Piety*

In the presence of two witnesses, C. Attakoya stated that since he is in a state of *waḥdat al-wujūd*, prayer (*namāz*) is forbidden (*ḥarām*). One who is mature and sane will never reach a stage that allows him to ignore the requirements of the *sharī'a*. The argument that one who has reached the zenith of divine love, achieved purity of heart and can distinguish faith from hypocrisy is, therefore, not bound to obey the requirements of *sharī'a* and will not be put into hell for his major sins . . . is false and *kufṛ*. One who abstains from *namāz* and denies its compulsory status is a *kāfir*.

28 Willis, "The Fatawa of Condemnation," p. 153.

29 Zaman, "The 'Ulama of Contemporary Islam," p. 69.

The first charge of the *fatwā* alleges that the founder of the Shamsiyya brotherhood, Shaykh Attakoya, claimed to have reached such a high degree of spiritual advancement that he was no longer bound by the requirements of *sharīʿa* law and under no obligation to conduct daily prayer.³⁰ The claim is a familiar one: within Sufi circles there has been a long debate regarding the ultimate end of the mystic path. Some have argued that the ultimate stage of spiritual development is the extinction of the self (*fanāʾ*) and a direct experience of the ultimate reality that is God. A popular but contentious Sufi doctrine, known as *wahdat al-wujūd* or “unity of being,” argues that the ultimate end of the Sufi path is a stage where the Sufi recognizes that the divine being is present in every form of existence.³¹ The metaphysical argument of *wahdat al-wujūd* is not, however, what is at issue here, and the *ʿulamāʾ* are not necessarily suggesting that an experience or appreciation of the unity between God and the created world is an impossibility. What concerns the *ʿulamāʾ* is the argument, made by some Sufis, that the knowledge or experience of *wahdat al-wujūd* allows one to disregard the requirements of daily worship (*namāz*) and *sharīʿa* law. Such concerns on the part of *wujūdī* critics are not unwarranted: many Sufis have suggested that they are above the law.³² Some of the Sufis I met in Lakshadweep admitted that the enrapt mystic who has achieved a state of illumination cannot be expected to perform daily prayer. The strict requirements of daily worship, they argued, becomes a distraction from the more substantial experience of God fostered by the path of *ṭarīqa*. Though most island Sufis denied that they or any of their fellow islanders had achieved such a state, they nevertheless defended it as a possibility. Moreover, all sides recognized that those who have reached this “zenith of divine love” enjoy certain privileges on account of their spiritual ascendancy, their proximity to the source of divinity and their status as *awliyāʾ* or “friends of God.” As the mediators between the sacred and the mundane, the Sufis were given license to operate in unconventional ways. Under the cloak of Sufism, they could heal the sick, predict the future and receive the supplications of others without appearing unorthodox. They were not, however, given free reign. Everyone also understood that the vast majority of Muslims stand firmly in the terrestrial world where behavior is bound by the law of *sharīʿa*. God, of course, would be the ultimate judge, but

30 For an excellent discussion of the ultimate stages of the Sufi path, see Friedmann, *Shaykh Ahmad Sirhindi*. For a note on other Sufis claiming exemption from daily prayer, see Schimmel, *Mystical Dimensions*, p. 152.

31 For a discussion of *wahdat al-wujūd* and the theosophy of Ibn ʿArabī, see Schimmel, *Mystical Dimensions*, 267–274.

32 For Sufi attitudes toward ritual prayer, see Schimmel, *Mystical Dimensions*, pp. 148–167.

in the mundane world it was the *'ulamā'* who had the authority to define and defend this religious law.

Reading the *'ulamā's* *fatwā* carefully, we see that they have left the door of orthodoxy open just wide enough to accommodate a claim such as Attakoya's: "One who is mature and sane will never reach a stage that allows him to ignore the requirements of the *sharī'a*." The *'ulamā'* appear to recognize that temporary moments of spiritual insanity or ecstasy might lead to dramatic claims or minor violations of the *sharī'a*, such as forgetting to perform *namāz*. These things can be excused. Problems arise, however, when a Sufi is found to be articulating such claims beyond the realm of the ecstatic or outside the intimate circle of disciples. Everyone agreed that when this happens, the *'ulamā'* are bound to act.

Even other Sufis were skeptical of the Shamsiyya Shaykh's claim (although these concerns were not reflected in the *fatwā*). They argued that such an admission regarding spiritual status broke the unwritten rule of humility that legitimate Sufis were supposed to follow. As one man put it to me: "A real Sufi would never say such things." For many, such vanity on the part of Attakoya was proof enough that he was a charlatan. Moreover, some argued that while such spiritual achievements would make the quotidian ritual requirements unnecessary in God's eye, no true saint would ever take advantage of such a prerogative. Doing so would be an act of arrogance and would also be socially and religiously irresponsible. Those in the mundane world, be they the *'ulamā'* or the general public, could not be expected to appreciate the saint's status and the exemptions granted by God. In short, making such a claim or acting upon such a claim could only have controversial results—something a true Sufi would hope to avoid.

There are a number of problems, however, with this first set of allegations. The first is that the *'ulamā'* could provide no substantial evidence that Attakoya was in fact disregarding the requirements of *namāz* and *sharī'a* law. Claiming to be exempt from such requirements is not the same thing as failing to uphold them. A second problem is with timing. Such accusations aimed at a sheikh who had been dead for six years or more seem petty. Why condemn an entire brotherhood for the iniquity of a man who was no longer alive?

5.2 *The Second Accusation: Witnessing the Reality*

One disciple of the Shamsiyya stated that in the presence of followers, C. Attakoya claimed that the *Futūḥāt al-makkiyya* states that it is permitted to look at the sun as a means for achieving the state of *ḥaqq shuhūd* [witnessing the Reality]. This matter was . . . brought to the Jum'a Masjid

... There took place a lengthy discussion and the Shamsiyya supporters admitted that *ḥaqq shuhūd* can only be obtained by *ʿibāda* [worship] and that looking at the sun as worship is *kufriyya*.

The second allegation provides us with some enticing clues regarding the sun-staring rumors. As I discussed earlier, the rumors regarding sun staring are so tenacious that it is difficult to believe that they are mere fabrications. The *ʿulamāʾ* and many other islanders were adamant that some kind of sun worship had occurred. Perhaps more importantly, while some of the Shamsiyya members insisted there was no truth to the rumors, others in private did not deny that strange practices involving the sun took place.

Unlike the rituals involving ecstatic states and acts of self-mortification, the use of the sun in ritual and healing practices appears to be unprecedented, at least in Islam. I have been unable to find, in south India or elsewhere, any similar examples of Sufis using the sun as an object of meditative focus.³³ The information provided in the *fatwā*, however, provides us with tantalizing clues regarding a potential source of inspiration, although such evidence allows us to draw few firm conclusions. The Shamsiyya never confirmed for me the account of the origins of the ritual practices. And while the *ʿulamāʾ* claimed, both in the *fatwā* and in conversations, that the Shamsiyya shaykh had a shaky philosophical foundation for his sun-staring practices, none of them offered to show me in detail how he used Sufi texts to construct it. In short, while the questions regarding ritual origins or the inspiration behind such practices are fascinating, they are also purely academic.

The *fatwā* argues that Attakoya used the writings of the famous thirteenth-century Spanish mystic Ibn ʿArabī to justify his innovative ritual practice. The work mentioned here—*al-Futūḥāt al-makkiyya* or “Meccan Revelations”—is Ibn ʿArabī’s weighty tome on spiritual metaphysics. While Ibn ʿArabī makes no explicit recommendation for staring at the sun, be it for meditative or any other purposes, we do find, as William Chittick makes clear, that one of Ibn ʿArabī’s preferred ways of describing God and the mystic path is through the allegory of light.³⁴ The popular use of light as a metaphor for the divine comes directly from the enigmatic “Light Verse” of the Qurʾān—celebrated among Sufis for its rich symbolism—which contains the phrase: “Allah is the Light

33 There is no relationship between the Shamsiyya *ṭarīqa* of Androth and the Sufi brotherhood with the same name that emerged in Istanbul under the Ottoman Empire during the sixteenth century. See Clayer, “Shamsiyya”. The Ottoman brotherhood was named after its founder, Kara Ahmad Shams al-Din Siwasi, not for any heliocentric ritual practices.

34 References to Ibn ʿArabī’s *al-Futūḥāt al-makkiyya* are from Chittick, *The Sufi Path*.

of the heavens and the earth.”³⁵ Ibn ‘Arabī in particular mined this verse for its multiple meanings. For example, he describes the different kinds of light through which God discloses himself by reference to the sun and the moon:

Concerning this self-disclosure the Prophet said, “You shall see your Lord just as you see the moon on the night when it is full.” One of the things he meant by this declaration that a vision of God is similar to seeing the moon is that the moon itself is perceived, since the moon’s rays are too weak to prevent sight from perceiving it . . . Then the Prophet said in the same *ḥadīth* “or just as you see the sun at noon when there is no cloud before it.” At this time its light is strongest, so all things become manifest through it and sight perceives everything it falls upon when this sun is unveiled to it.³⁶

Again, what is important here is not so much to divine the reasoning behind Attakoya’s alleged ritual regime as to explore the reasoning behind the ‘*ulamā*’s condemnation. The ‘*ulamā*’ are not arguing that *ḥaqq shuhūd* or “witnessing the Reality” is beyond the realm of mystical achievement. Indeed, it is a legitimate aspiration within this kind of intercessionary Islam. Moreover, the *fatwā* makes it quite clear that there are “permitted” methods for approaching such mystical heights. Staring at the sun, however, is not among the “legitimate” forms of worship or *‘ibādāt*.

Equally compelling here is confirmation that these issues were at the center of a discussion that took place at the island Jum‘a Masjid. That the ‘*ulamā*’ and select members of the Shamsiyya should get together to debate such things is remarkable and lends credence to the ‘*ulamā*’s claim that they tried to negotiate with the Shamsiyya members. And again, it appears that the two groups came to some sort of agreement. The *fatwā* does not give a date for this meeting, but it is clear that it took place during the lifetime of Shaykh Attakoya and before the public debate. That some sort of accord was reached is supported by the fact that whatever their nature, the sun-staring practices were gone long before the death of Sheikh Attakoya. By the time of the public debate in 1980, the parties were debating the nature of past ritual innovations. And once again, all parties agreed on the narrow point that staring at the sun, at least as a form of worship (*‘ibāda*), was certainly un-Islamic.

35 Qur’ān 24: 35.

36 Chittick, *The Sufi Path*, p. 217.

5.3 *The Third Accusation: Recidivism*

The song, *Nafḥat al-ʿAlī fī Madhath al-Jalāli*, composed by the current Sheikh, P.P. Pookoya, proves that they [the Shamsiyya] continue to maintain this belief.

The third allegation is ambiguous. It is not clear whether the belief being “maintained” has to do with sun worship or the mystical achievements of Sheikh Attakoya. The mantle of leadership after 1980 was passed to Sheikh Pookoya who evidently composed a song—entitled “The Breath of the Sublime in Praise of the Majestic One”—in praise of his predecessor Sheikh Attakoya. Even if the Shamsiyya maintained the belief that staring at the sun was an acceptable form of worship, there is no evidence for backsliding in terms of sun-staring practices. There is evidence to suggest that the song is panegyrical. Shamsiyya supporters openly admitted to me that Sheikh Attakoya is praised in the song as “the source of light” (*shamsuddin*) and as “the majestic one.” Such flattery, however, is hardly remarkable; it is standard *ṭarīqa* protocol for Sufi disciples to eulogize their spiritual mentors in these ways, and the Androth *ʿulamāʾ* know this.³⁷ In short, the *ʿulamāʾ*’s accusation is a trivial and disingenuous claim on the part of the *ʿulamāʾ*, who were hoping that the other suspicions regarding the Shamsiyya would make the song look less like standard Sufi flattery and more like sanctification or idolatry.

5.4 *The Fourth Accusation: The Kufr in Takfir*

In their speeches during last Ramaḍān, the members of the Shamsiyya declared, without proper reason, that the recognized religious scholars were *kāfirs*. By this act they have automatically gone out of Islam.

One of the weaknesses of the *fatwā* up to this point (the third allegation) is that it addresses largely obsolete infidelities. The first two sections focus exclusively on Shaykh Attakoya, who had been dead for six years when the *fatwā* was issued. The third charge looks insubstantial: the song is suspicious only in the light, as it were, of the dead Shaykh’s claims. The *fatwā* thus appears poorly timed and petty. If these things were really the primary sources of

37 During my time on Androth, some Shamsiyya followers presented me with a similar book used by Qadiriyya Sufiyya, one of the other island brotherhoods to which many of the Androth *ʿulamāʾ* belong. The Shamsiyya used it as proof that the *ʿulamāʾ* were hypocrites in claiming that it is only the Shamsiyya who eulogize their saints in such ways.

the *‘ulamā’s* anger, then the *fatwā* stands as an anachronism, an out-of-date reaction. Fortunately, the fourth accusation does help us solve the riddle of the source of the Shamsiyya heresy, but here, too, we must be careful with the *‘ulamā’s* argument. This accusation is significant, but only if we place it in the wider context of challenges to religious authority.

According to the fourth accusation in the *fatwā*, the Shamsiyya declared “without proper reason” and during the celebrations of *Ramaḍān* that the real *kāfirs* in this conflict were the *‘ulamā’*. During this festive month of fasting, public speeches on religious topics are given from the steps and pulpits of the many island mosques. Such preaching, as we have seen, is considered the prerogative of the local *‘ulamā’*. To be upstaged and continuously insulted by a deviant brotherhood and their audacious clerics from the mainland was an egregious affront to the authority of the Androth *‘ulamā’*. During my time on the island, more than ten years after the *fatwā* was issued, the Shamsiyya followers were still pointing the finger at the Androth *‘ulamā’*: “It is they who are the *kāfirs*.”

In what sense is one a *kāfir* for engaging in *takfir*? Both sides used a popular saying (*ḥadīth*) attributed to the Prophet Muḥammad to justify their accusations: “If a Muslim charges a fellow Muslim with *kufṛ*, he is himself a *kāfir*, if the accusation should prove untrue.”³⁸ Of course, the *ḥadīth* does not indicate how one might prove an accusation of *kufṛ* to be untrue, and there is no independent authority in Islam to settle the matter. Nevertheless, it commonly understood on the island that the misuse of *takfir* itself constitutes an act of infidelity, and thus it is quite common for this insult to be lobbed back and forth between disputing groups.

Was it really this brazen defiance that caused the *‘ulamā’* to act? In a 1998 interview, one of the authors of the *fatwā* reiterated the argument made in the *fatwā* and put the Shamsiyya’s contempt at the center of the conflict:

When these people [the Shamsiyya] started propagating among the public, trying to attract others, even then we didn’t oppose. Then they brought *‘ulamā’* from the mainland to propagate and discuss these matters. They brought *‘ulamā’* from the mainland and began speaking in public against us. It was then that we were compelled to oppose them.

While there is no reason to doubt the *‘ulamā’s* sincerity on this matter, there is still something unsatisfying about the argument that in 1986 the Shamsiyya and their *‘ulamā’* posed such a great risk to island orthodoxy and religious authority

³⁸ See Björkman, “Kafir”.

that condemnation and persecution were warranted. Recall that at the time of the *fatwā* the Shamsiyya's island membership had been greatly diminished on Androth. They were no longer serious competitors in the field of island Sufism. Moreover, although certainly an antagonizing presence, the Shamsiyya's clerical support were from distant Kerala, could only visit Androth for short periods and thus could never seriously challenge the Androth 'ulamā's island authority.³⁹ And, given their commitment to intercessionary Sufism, these Kerala clerics were hardly a threat to island orthodoxy. The 'ulamā's argument, however, was that the Shamsiyya were dangerously defiant, and this has a ring of truth. As we shall see, in the years to follow the *fatwā*, the Shamsiyya would exact very damaging retribution on the Androth 'ulamā' through civil litigation. It is quite clear, however, that what inspired them was revenge for the *fatwā*, not a desire to dismantle either the existing island orthodoxy or the structures of religious authority.

It is only when placed against the wider background of the challenges to religious authority influencing Androth that the Shamsiyya defiance appears more ominous. Recent island history suggests that there are deeper apprehensions that drove the 'ulamā' to pursue the Shamsiyya with such conviction and that the authority and influence of the 'ulamā' is being squeezed on multiple fronts. As we have seen, the 'ulamā' now face extraordinary competition within the sphere of religious politics to speak for and define Islam. Beyond quotidian quarrels with island Sufis and their long-standing dispute with the Shamsiyya, the Androth 'ulamā' must now contend with Islamic reform groups such as the Mujāhids that really do intend to usurp their position as religious custodians and redefine island Islam. The 'ulamā' must also contend with the expansive and secular Indian state that has extended its authority over island policy, law, education and even religion itself. In the end, what transformed the Shamsiyya from bothersome brotherhood to intolerable threat, and what compelled the 'ulamā' to issue the *fatwā*, was not simple religious error or ritual innovation but the 'ulamā's desire to defend their own authority.

The irony, of course, is that the *fatwā* and subsequent attempts to banish and persecute the Shamsiyya had the opposite effect. Rather than shoring up the 'ulamā's authority, the instrument of *takfīr* and attempts at persecution only reduced their authority even further. For example, immediately after the *fatwā* and mosque expulsions the Shamsiyya fought back by suing in civil court to keep the Jum'a Masjid open to their supporters. In a remarkable 1987 Kerala

39 Long-standing policies in Lakshadweep severely restrict access to the archipelago. Only islanders are allowed to own land and non-islanders and foreigners are required to obtain visas before visiting the islands.

High Court decision, the judge rejected the argument that the Shamsiyya were *kāfirs* and ruled that island mosques should remain open to all Muslims. While noting that accusations of infidelity are common in Islam, he argued that the disruptive intolerance exhibited in mosque expulsions is “quite against the traditions of the Holy Prophet.”⁴⁰ Crucially, the judge also took aim at the *‘ulamā’s* right to issue *takfīr*. He boldly claimed that the “power of excommunication” is no longer considered to be an integral part of the Islamic faith.⁴¹ To allow the *‘ulamā’* the authority to act upon their judgments, he concluded, “would lead to arbitrary exercise and abuse of powers and far-reaching consequences.”⁴² The decision is remarkable given that it is a secular court judge, albeit a Muslim one, who has put himself and the courts in direct competition with the *‘ulamā’* over the interpretation of Islamic texts, traditions and ethics.

The Shamsiyya viewed the ruling as a victory, but recent events suggest that it was a pyrrhic one. The court’s foray into the realm of religious interpretation and its attempts to further limit the authority of the local religious elite are not necessarily something the Shamsiyya should celebrate. In January of 1999, a few months after returning from the field, I received a letter from a friend on Androth that hinted at new challenges for the island congregation. Buried between salutations and family updates was news of a remarkable but predictable development. Just behind a ramshackle teashop that I often frequented near the bustling jetty of Androth, a new mosque was being constructed. Another mosque on Androth is hardly remarkable, but this one may be unique. The man sponsoring the construction of the mosque was none other than Fathahuddin, the “crazy Wahhabi.” Whereas before Fathahuddin would preach his reformist message against intercessionary Sufism from various public spaces, it now appears that he will be doing so from the pulpit of his own mosque. Beyond the fact that Fathahuddin was initiating this construction, what was so intriguing was that he was doing so without any serious opposition from the *‘ulamā’*. It appears that Shamsiyya’s defiant stance against the Androth *‘ulamā’* only exposed the general limits of the *‘ulamā’s* religious authority, vulnerabilities the courts and the Mujahids are now exploiting in this competition over religious authority.

40 Shamsuddin, “Attakoya Thangal,” p. 766.

41 Shamsuddin, “Attakoya Thangal,” p. 768.

42 Shamsuddin, “Attakoya Thangal,” p. 768.

6 Conclusions

Our investigation of the islanders' conflict has led us to a deeper understanding not only of why and how *takfīr* is employed and the functions it serves but also of how a Muslim conflict conforms to some general dynamics of heresy. Crucially, we have learned that *takfīr* and the *fatwā* of condemnation were not the only instruments available to and employed by Muslims in this intra-religious dispute. In fact, the '*ulamā*' of Androth, like religious authorities in other traditions, have a diverse repertoire of confrontational modes at their disposal. The '*ulamā*'s repertoire included accommodation, persuasion and private admonishment in addition to public debate and collectively authored *fatwās* of condemnation. Understanding *takfīr* requires that we appreciate the wider field of contention that so often encompasses it.

The islanders' repertoire also confirms what we suspected about heresy in Islam—i.e., that it, too, is an “ecclesiastical category” constructed and employed by religious authorities. The '*ulamā*' chose to confront the idiosyncratic behaviors of the early Shamsiyya with instruments other than condemnation and persecution. And as the conflict evolved they chose to define these behaviors as so dangerously deviant as to warrant public and collective condemnation and more active forms of persecution. Why did they do this? We have come to the conclusion that in using *takfīr* the '*ulamā*' were attempting to preserve their own religious authority. What was at stake here was the authority to define Islam, and the '*ulamā*' were trying assert their authority in an increasingly restricted and competitive religious arena. Even if it can be said that the Shamsiyya's bold defiance triggered the *fatwā*, we must appreciate that the Shamsiyya were not the real threat to the '*ulamā*'s authority. The *kufīr* or heresy described in the *fatwā* was a consequence not of the Shamsiyya's beliefs or practices but of the '*ulamā*'s increasing intolerance in the face of substantial threats to their authority.

The conflict on Androth and our investigation of it brings us back to an intriguing question that I posed at the start of this essay and that may be addressed by further research: are modern Muslim communities somehow more vulnerable to accusations of heresy and tendencies toward persecution than in the past? Of course, the Androth Muslims are not unique in facing a restricted and increasingly competitive sphere of religious authority. As many have noted, modern Islam is facing a crisis of religious authority, and most Muslim communities are facing conflicts over religious authority and what constitutes “true” Islam. Given that this competition over religious authority in Islam is becoming increasingly fierce, one wonders both how Muslim

communities are managing the inevitable conflicts that come with competition and whether this competition is leading to the increasing use of *takfīr*.

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The Sum of its Parts: The State as Apostate in Contemporary Saudi Militant Islamism

Justyna Nedza

1 Introduction

For a long time the state of Saudi Arabia has hardly been targeted at all by militant Islamists.¹ Unlike Egypt, for example, where terrorist attacks against state institutions and political functionaries were widespread, Saudi Arabia was for a long time spared this fate.² So far the focus of Saudi Islamists has been mainly on the so-called “far enemy”, represented not least by the numerous Western foreigners living in the kingdom. Their ideology has been shaped in particular by Pan-Islamist elements, which find their expression in the call to Muslims to defend the Muslim *umma* against any external threat.³ This notion has apparently been emphasized even more since fifteen of the nineteen 9/11 attackers were identified as Saudi citizens and the kingdom gained the reputation of being a major exporter of radical Islamists, notwithstanding the constant assurance of the Saudi government that it actively contributes to the “War on Terror”.⁴ Even the events in and around the year 2003, when the Saudi branch of *al-Qā’ida* (later known as *al-Qā’ida fi Jazīrat al-‘Arab*) perpetrated a number of attacks on Saudi soil,⁵ still seemed to follow this logic, because these attacks

1 In this article the terms “radical Islamism” and “militant Islamism” will be used interchangeably. They will describe those Islamist currents that consider the exertion of violence (e.g., *jihād*) as appropriate means to challenge the political and/or religious status quo.

2 On the nature and extent of militant political activism in Saudi Arabia, see Hegghammer, “Jihad, Yes”.

3 Hegghammer even goes as far as describing this extreme elaboration of Pan-Islamism as xenophobic. See idem, “Jihad, Yes,” pp. 404, 411–413; idem, *Jihad, passim*.

4 See al-Banyān, “al-Sa‘ūdiyya taqṭa‘ ‘alāqātiḥā”; Saud al-Faisal, *Speech*.

5 Attacks have been carried out after 2013 as well; in fact, they became most frequent in spring 2004. This study, however, does not consider these later events, as they no longer coincided with the activities of ‘Alī al-Khuḍayr, Nāṣir al-Fahd und Aḥmad al-Khalīdī. See Hegghammer, “Jihad, Yes,” p. 402. In 2009 the Saudi Arabian and Yemenite branches of *al-Qā’ida* merged and proclaimed the result of this fusion as *al-Qā’ida fi Jazīrat al-‘Arab*. That some writers in *Ṣawt al-Jihād*—mouthpiece of *al-Qā’ida* in Saudi Arabia—had applied this label to some

were directed exclusively against Western foreigners in Saudi Arabia and the institutions they represented.⁶

Nonetheless, around this time a new dynamic evolved within militant Saudi Islamism, though it stood well covered under the cloak of this outward-oriented activism. At its core the notion emerged of the Saudi state as an infidel enemy. While Western foreigners and their institutions—the epitome of moral decline and unbelief—no doubt remained the primary target of the *jihād fi sabīl Allāh* (“*jihād* for the sake of God”), reference to the Saudi state as itself being a political opponent—justified primarily by its being allegedly ruled by un-Islamic principles—increased notably in the literature produced by and for militant Islamists.⁷ The seriousness of the implications of this new dynamic can hardly be overestimated; after all, the kingdom’s self-understanding is that of an Islamic state whose constitutional framework is largely based on the Qur’ān and Prophetic *sunna*.⁸ Therefore, to question the religiosity of the Saudi state and, as an ultimate consequence of this questioning, to practise *takfīr* (“accusation of unbelief”) against it should be regarded as a major novelty.

Besides the aforementioned representatives of *al-Qā’ida* in the Arab Peninsula the main protagonists of this later development were the three radical scholars ‘Alī b. Khuḍayr al-Khuḍayr (b. 1954), Nāṣir b. Ḥamad al-Fahd (b. 1968 or 1969), and Aḥmad b. Ḥamūd al-Khālīdī (b. 1969). Because of their writings pertinent to this topic and their explicit endorsement of the attacks of *al-Qā’ida fi Jazīrat al-‘Arab* they have been labelled the “Takfīrī Trio” (*thulāthi al-takfīr*) by the media, and all three were eventually arrested in May 2003 and

Saudi cells already in 2003 indicates that before 2009 the designation of the Saudi branch of *al-Qā’ida* appears not to have been consistent. Therefore we shall take up Hegghammer’s suggestion to use the label “*al-Qā’ida fi Jazīrat al-‘Arab*” consistently for all phases of the development of the organization. See Hegghammer, “Islamist Violence,” p. 56 n.12.

- 6 The attack on the residential complex Muḥayyā, near Riyadh, in November 2003 appears somewhat exceptional only at a first glance. While the victims of this attack were almost exclusively Muslims, according to various statements in *Ṣawt al-Jihād* the intended targets were in fact exclusively foreigners. According to these statements, the naming of Muslims amongst the victims must strongly be rejected as a strategy of the Saudi authorities to defame the *mujāhidūn*. See, e.g., anonymous, “al-‘Amaliyya al-‘askariyya”.
- 7 The logic of “far enemy” and “near enemy” behind the actions of *al-Qā’ida fi Jazīrat al-‘Arab* appears clearly in the various writings of its adherents: while the infidel Western foreigners in Saudi Arabia remained the main target, the subversion of the Saudi government has become a subsequent one. See al-Madanī, *Hākadhā narā al-jihād*, p. 16; anonymous, “Liqā’”.
- 8 See al-Mamlaka al-‘arabiyya al-sa’ūdiyya. Majlis al-shūrā, *al-Nizām al-asāsī*; also see Fürtig, *Demokratie*, pp. 59–61.

jailed.⁹ That their public statements, both oral and written, had been understood as accusation of unbelief (*takfīr*) against the state became unequivocally clear in late 2003: in November and December of that year all three scholars appeared in interviews on Saudi national television in which they publicly revised their earlier radical views. The fact that they were only released for these television appearances and were put back behind bars directly afterwards strongly suggests that, despite their public recantations, the Saudi authorities still regarded them as a serious threat to national security.

This appears not to have been accidental. After all, al-Khuḍayr, al-Fahd and al-Khālīdī certainly earned the label “Takfīrī Trio”, owing to their open *takfīr* of critical writers,¹⁰ reformist and moderate religious scholars,¹¹ and eventually, although certainly not as explicit as in the other cases, various state institutions. Therefore, it is not surprising that during the interviews all three were repeatedly asked for their opinion on the Saudi state and whether they considered it to be Islamic¹²—a point all three scholars were apparently most willing to concede to their interviewer.¹³ The fact that they were asked to affirm the kingdom’s true Islamicity suggests that their former views on the Saudi state were widely understood as *takfīr* against the state as a whole. Moreover, that such an understanding had indeed been the intention of the three scholars was made plain in 2004 by Nāṣir al-Fahd when, only three months after his publicly televised revisions, he rejected them, saying “I have not committed any mistake in accusing the state of unbelief (*lā zalaltu ukaffīru l-dawla*), I do not revoke this.”¹⁴ Therefore what the three scholars practised may well be considered as *takfīr*. However, what appears striking and requires some explanation is how the emphasis in understanding and practising *takfīr* among young radical Saudi religious scholars (*‘ulamā’*) has broadened from initially single individuals and clearly defined groups of people to a rather abstract entity such as the state (*dawla*). In this context it is critical to answer the question who, or what—in the eyes of these authors—actually constitutes the “state”,

9 See al-‘Azūz, “al-Khālīdī”; al-Hindī, “al-Amīr Nāyif”.

10 See al-Khuḍayr, *Fatwā*.

11 See al-Khuḍayr, *Uṣūl al-ṣaḥwa*; al-Fahd, *Ṭalī’a*; idem, *Tankīl*, vol. 2.

12 See al-‘Aydārūsī/al-Wahībī, “Fī thānī i’tirāf ijābī”; anonymous, *Muqaddim*.

13 It is interesting to note that it was widely discussed whether these revisions could be considered “sincere” *murāja‘āt*, or whether they were the result of mere political calculation, or even of the scholars’ treatment in prison. See al-‘Atīq, “al-Fahd yu’lin tarāju‘ahu”; al-‘Awfī, “Ṣāliḥ al-‘Awfī”; Ibn Maḥmūd, *Khawārij*; al-Rashīd, *Hashīm al-tarāju‘āt*.

14 al-Fahd, *Tarāju‘*, p. 2; also published as *Risāla min al-Shaykh al-asīr Nāṣir al-Fahd*, p. 2.

and what they accuse it of in order to justify the pronouncement of *takfīr* against this rather abstract entity.

What appears to have been unprecedented in the Saudi context had been rather common practice elsewhere. In Egypt, for example, radical Islamists have, mainly in the wake of severe prison experiences, increasingly shifted the focus of their *takfīr* to the political establishment as the most vivid manifestation of unbelief¹⁵ and, even more narrowly, to the ruler (*ḥākīm*) as the ultimate source of unbelief (*kufṛ*), thus legitimizing *takfīr* against him (*takfīr al-ḥākīm*).¹⁶ This focus has been justified by the ruler's specific responsibility as the "shepherd of the flock";¹⁷ and because of the extraordinary importance for the maintenance of "true" religion ascribed to him. The ruler was thus regarded as the epitome of the state; as a consequence Muslims were either called upon to contribute actively to the overturn of the infidel ruler (mostly associated with *jihād*), or to withdraw their obedience from the state as a whole.¹⁸

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- 15 The instrumentalisation of *takfīr* in order to delegitimise a political authority—particularly a head of state—was first explicitly elaborated by the radical Egyptian Muslimbrother Sayyid Quṭb (executed 1966). Relying heavily on the writings of the Indo-Muslim thinker Abū l-Ālā Mawdūdī (d. 1979), Quṭb described the present Muslim societies as religiously ignorant (*jāhili*) and the Muslim states as infidel (*kāfir*). By incorporating the legal practice of *takfīr* into an ideological framework he justified to overthrow the ruler, an act which he labelled *jihād*. The such established conceptual trias of *jāhiliyya*, *takfīr* and *jihād*, finally, constituted an ideological cornerstone for later militant Islamists in and beyond Egypt. See Damir-Geilsdorf, *Herrschaft* 3, pp. 76–88, 179–190, 249–271; Hartung, *System*, pp. 193–221.
- 16 According to Jansen, *The Neglected Duty*, pp. 152–154, 156 n.1, this conceptual term was prevalent already in the 1950s and 1960s, as discussed by Yūsuf al-Qaraḍāwī in his *al-Ṣaḥwa al-islāmīyya bayn al-juḥūd wa-l-taṭarruf* (Cairo/Beirut 1984). The impact of this concept on the Egyptian discourse on *takfīr* is proven, e.g., by 'Abd al-Raḥmān, *Kalimat ḥaqq*, pp. 56, 82, 107.
- 17 This term refers to a *ḥadīth* transmitted by 'Abd Allāh b. 'Umar: "Everyone of you is a shepherd and every one is responsible for his flock. The *amīr* [al-Bukhārī: *imām*], who stands above the people, is a shepherd and he is responsible for his flock." *Ṣaḥīḥ al-Bukhārī*, kitāb al-aḥkām, ḥadīth no. 7.138, p. 1791; *Ṣaḥīḥ Muslim*, kitāb al-imāra, bāb faḍīlat al-imām al-'ādil wa-'uqūbat al-jā'ir wa-ḥaṭṭh 'alā l-rifq bi-l-ra'īya wa-nahy 'an idkhāl al-mashaqqā 'alayhim, ḥadīth no. 4.617, p. 930.
- 18 This logic was pursued by radical Islamists in the Egyptian context, for whom the concept of *takfīr al-ḥākīm* played a decisive role: based on the assumption that the head of polity is also very much *imām* and therefore responsible for the religious guidance of his subjects, *takfīr* was therefore mainly directed explicitly against the head of state. See al-Faraj, *Jihād*, pp. 5, 14.

Whether similar developments can be identified for the Saudi Arabian context will be investigated in this contribution through the example of the three scholars, al-Khuḍayr, al-Fahd, and al-Khālidi. It will be argued here that the three scholars did not ascribe political authority solely to the head of a polity, whose own religious orientation would then affect all of his subordinates. Unlike the Egyptian radicals, they targeted all state institutions, because they considered them all intertwined and—by chain of command—inseparably linked to the head of state. Thus, *takfīr* against state institutions, as practised by the scholars, could be interpreted as equivalent to *takfīr* of the ruler, which, by implication, serves to delegitimise the entire state, understood as the sum of its different institutional parts.

2 The Scholars and *Takfīr* of Ruler and State in the Thicket of Events

The shift towards a critical appraisal of the state by the three radical scholars, and the increasing appeal of *takfīr* against ruler and state in the Saudi context is the result of a number of important and intricately intertwined events.

Although *takfīr* constitutes an integral part of the original Wahhabi creed and was a crucial political tool at least in the processes of consolidation of power and expansion of the sphere of influence of the first states,¹⁹ *takfīr* of the ruler or political officials hardly played any role at all. Throughout most periods of Saudi rule, the self-conception of the Saudi state as an Islamic one has not been questioned by its citizens—or at least possible doubts as to the Islamicity of state and ruler did not lead to any specific political activism within its territory.²⁰ This was to change considerably with the emergence of the “Islamic Awakening” movement (*al-ṣaḥwa al-islāmīyya*) in the 1960s and 1970s, the first direct and massive trend of opposition against the policies of the

19 See Commins, *Wahhabi Mission*, pp. 22–25, 46f. Today’s Kingdom of Saudi Arabia is referred to as the “Third Saudi State”. The first two polities governed by the Āl Sa‘ūd between 1744–1818 and 1824–1891 are usually labelled as “states”, although they did not correspond to our current understanding of the concept. See, e.g., Steinberg, *Religion*, pp. 18–28.

20 The criticism hurled by Saudi expatriates against their own government looks quite different. For example, the deprecating statements on the Saudi government by some London-based Saudi dissidents in the 1990s almost border on *takfīr*. See al-Rasheed, *Contesting the Saudi State*, pp. 121, 132f; idem, “Saudi Religious Transnationalism”; Fandy, *Saudi Arabia*, pp. 130f.

government.²¹ During the first Gulf War, the deployment of US troops in the Saudi Kingdom, religiously legitimized by a legal opinion (*fatwā*) of ‘Abd al-‘Azīz b. ‘Abd Allāh b. Bāz (d. 1999), who was soon to become Grand *muftī* and the highest religious authority in the state, served as a major catalyst for the increased political significance of the *Ṣaḥwa* movement in the 1990s.²²

However, while the criticism of the scholars of the *Ṣaḥwa* was sparked off by foreign policy, and first and foremost by the manifold relations between Saudi Arabia and the USA,²³ it extended also to internal issues. Prominent among these were the debate on the strengthening of women’s rights, the increasing impact of liberal and secular thought, the increasingly weak role of the ‘*ulamā*’ in the political decision-making processes, and doubts regarding the conformity of Saudi legislation with the *sharī‘a*—all of which, however, was understood as the result of the damaging cultural influence of the West.²⁴

Very much in line with the classical understanding of the consultatory role of the ‘*ulamā*’ in relation to a corrupt but not infidel ruler, the scholars of the *Ṣaḥwa* movement sought to exert their influence on Saudi politics through moralizing and admonishing letters and memoranda.²⁵ So far all that was new was that this well-intentioned advice was expressed in public. *Takfīr*,

21 The first assault on the authority of the current Saudi state was the spectacular occupation of the *Masjid al-ḥarām* in Mecca on 20 November 1979 by Juhaymān al-‘Uṭaybī (executed 1980) and a small group of followers. However, while in justification of this, al-‘Uṭaybī evidently criticized the Saudi king, he nonetheless made it clear that to declare him an unbeliever is not necessary. In one of his letters he stated: “The oath is not incumbent on the Muslims and they are not obliged to be obedient to them (i.e., the *ḥukkām al-muslimīn al-yawm*). Nevertheless, all this does not result in the need to practise *takfīr* against them (*takfīruhum*).” Sayyid Aḥmad, *Rasā’il*, p. 82. For a thorough assessment of al-‘Uṭaybī’s ideology, see Hegghammer/Lacroix, “Rejectionist Islamism,” p. 111.

22 For details on the background of this *fatwā*, see Teitelbaum, *Holier than Thou*, p. 28. On the damage to the religious credibility of the state-supportive ‘*ulamā*’ after they religiously legitimized this political decision by the Saudi government, see Steinberg, “The Wahhabi Ulama,” pp. 30–32.

23 See Pollack, “Saudi Arabia”. While partisans of the *Ṣaḥwa* movement criticized these policies already in the 1980s, this criticism gained momentum with the deployment of American troops in the kingdom in 1990. See Lacroix, *Awakening*, p. 154.

24 On the harsh criticism of *Ṣaḥwa* scholars on the increasing empowerment of women in Saudi Arabia, see Teitelbaum, *Holier than Thou*, p. 31; Fandy, *Saudi Arabia*, pp. 49, 62; Krämer, “Good Counsel,” p. 263.

25 See Okruhlik, “Networks”; Teitelbaum, *Holier than Thou*, pp. 33, 39; Krämer, “Good Counsel,” p. 263; Fürtig, *Demokratie*, p. 21; Fandy, *Saudi Arabia*, pp. 50–60; Alshamsi, *Islam and Political Reform*, pp. 78f.

however, was neither practised against state nor against the ruler:²⁶ the religious legitimacy of the Saudi state was never questioned even in the slightest. At this stage, the sole enemy remained infidel foreigners, here first and foremost the Americans, because it was they who were considered a latent threat to the cohesion of the Muslim community. Consequently, although still non-violent, the criticism expressed by the partisans of the *Ṣaḥwa* movement was especially harsh against the foreign policy of the Saudi state and its perceived inability to resist growing Western influence.²⁷

The publicity of this criticism, however, prompted the Saudi authorities to consider the adherents of the *Ṣaḥwa* movement a vital threat to internal security, which in 1994 led to the arrest of its leading members, among them Safar b. ‘Abd al-Raḥmān al-Ḥawālī (b. 1950), Salmān b. Fahd al-‘Awda (b. 1955 or 1956) and Nāṣir b. Sulaymān al-‘Umar (b. 1952). While these arrests brought their critique against the policies of the state effectively to an end, the vacuum thus created in the opposition to the state triggered the increasing emergence of more radical views.²⁸ This void became even more apparent towards the end of the 1990s, when the scholars of the *Ṣaḥwa* movement came back from jail as reformed men, and when, in reaction, another group of radical ‘*ulamā*’ began to claim to be the legitimate heirs to these scholars who were seen as traitors to their former cause.²⁹ The figurehead of this group was initially Ḥamūd b. ‘Uqlā’ al-Shu‘aybī (d. 2002), a former supporter of the *Ṣaḥwa* movement, who rose to prominence especially with his applause for the attacks of 9/11 and his call for support for the Afghan Taliban in the “War on Terror”.³⁰ After he passed away, the baton was taken over by his closest confidants, ‘Alī al-Khuḍayr and Nāṣir al-Fahd, and later by Aḥmad al-Khālidi as well.³¹

26 See Krämer, “Good Counsel,” pp. 261, 264f.

27 See Hegghammer, “Islamist Violence,” pp. 703f.; Fandy, *Saudi Arabia*, pp. 62, 86f., 112f.

28 In addition, Hegghammer refers to the development of a theological power vacuum after the demise of the three influential scholars ‘Abd al-‘Azīz b. Bāz, Muḥammad b. ‘Uthaymīn (d. 2001) and Nāṣir al-Dīn al-Albānī (d. 1999) around the turn of the millennium. See Hegghammer, *Jihad*, p. 83.

29 The radical scholars were not the only ones who made this claim. On the other “legitimate heirs”, see Lacroix, *Awakening*, pp. 241–55.

30 This led the “Council of Leading Scholars” (*hay‘at kibār al-‘ulamā’*) to issue a decree prohibiting al-Shu‘aybī from issuing further legal opinions. Al-Shu‘aybī’s faithful supporter ‘Alī al-Khuḍayr discussed and ultimately rejected the allegations and the decree of the Council in *Dif‘ā‘an ‘an al-Shaykh Ḥamūd b. ‘Uqlā’ al-Shu‘aybī*.

31 Hegghammer (*Jihad*, pp. 85f.) speculates whether and to what extent al-Fahd and al-Khuḍayr, among others, issued legal opinions under the name of al-Shu‘aybī already before the death of the blind and ailing scholar.

As *‘ulamā’* all three of them had completed a higher religious education: al-Khuḍayr studied at the Faculty of *Uṣūl al-Dīn* (“principles of religion”) at the Imām Muḥammad b. Sa‘ūd University in Riyadh and the Qaṣīm Province, joined the *Ṣaḥwa* movement in the early 1990s, and was arrested in 1994 after he had vehemently demanded the release of Salmān al-‘Awda. In the Ḥā’ir prison he met Nāṣir al-Fahd, an assistant professor at the *Sharī’a* Faculty of the same university. Because of his radical writings in which he questioned, among others, the morality of the wife of prince Nāyif b. ‘Abd al-‘Azīz (d. 2012), the Minister of Interior and the half-brother of king ‘Abd Allāh b. ‘Abd al-‘Azīz (b. 1923), al-Fahd was arrested in 1994. The two scholars were released from prison in 1997 and 1998 respectively, and were eventually joined by al-Khālīdī, a Kuwaiti, who had, among others, studied with al-Khuḍayr and had also been imprisoned between 1995 and 1996. All three scholars seem to have become more radical during their respective time in jail, a fact that is not least reflected in their proximity to al-Shu‘aybī and in their intensified publishing activities.³²

Besides the apparent resignation of the leading adherents to the *Ṣaḥwa* movement, widely perceived as the failure of their non-violent strategy to end the American presence in Saudi Arabia,³³ there were at least two further impulses that eventually caused the radical scholars to shift their focus towards the Saudi state.³⁴ One is the geo-political shift that resulted from 9/11, especially the wars against the Taliban in Afghanistan and against the regime of Saddam Hussein in Iraq, which caused the Saudi government increasingly to prove itself as a worthy ally of the USA.³⁵ The explicit endorsement of the “War on Terror” by the Saudi state, in turn, exacerbated a radicalization in the criticism of the kingdom’s willing cooperation with the West that was initiated by the *Ṣaḥwa* movement. Now radical scholars such as al-Khuḍayr, al-Fahd and al-Khālīdī began increasingly to question the actual Islamicity of the Saudi state, which, after all, had apparently shifted its loyalty away from

32 Anonymous, *Nubdha*; anonymous, *‘Alī b. Khuḍayr*; al-Jāsir, “Abraz”; al-Rayyis, “al-‘Awājī,” p. 6; Brachman, *Global Jihadism*, p. 64; Hegghammer, *Jihad*, pp. 86–89.

33 In his 1996 declaration of war on the USA, Osama bin Laden condemned the detention of the scholars of the *Ṣaḥwa* movement. With their arrest, so he argued, the Saudi state had prevented the possibility of a non-violent eviction of the American troops from Saudi Arabia, and had left the people with no alternative to the militant option (*‘amal al-musallah*). See Ibn Lādin, *I’lān al-jihād*, pp. 6, 10.

34 On the relevance of personal experiences for this, see Hegghammer, *Jihad*, pp. 87f.

35 See Prados/Blanchard, “Saudi Arabia,” pp. 6f.

upright but persecuted Muslims, such as the Taliban, towards Western powers that defamed these Muslims as “terrorists”.³⁶

The other major impulse that linked the increasingly radical statements of al-Khuḍayr, al-Fahd and al-Khālīdī to more concrete activities was the establishment of an *al-Qāʿida* branch in Saudi Arabia from 2002 onwards under the leadership of Yūsuf al-ʿUyayrī (d. 2003), a former bodyguard of Osama bin Laden. In the course of massive recruitment efforts al-ʿUyayrī intensified his contacts with al-Shuʿaybī, and later with al-Khuḍayr, al-Fahd and al-Khālīdī, to gain their support for his endeavours. Although there is no hard evidence that any of these *ʿulamāʾ* ever became a member of the *al-Qāʿida* network proper or participated in the preparation of terrorist attacks (or even had concrete knowledge of them), their overt sympathy contributed significantly to preparing the ground for recruitment in Saudi Arabia.³⁷ It is in this context that a crucial role was played by the numerous public statements of the three scholars, because in these they provided retroactive religious legitimization for *al-Qāʿida* attacks in the kingdom. In so doing the three scholars ultimately broke away from the strategy of moralizing admonition employed by the *Ṣaḥḥa* and shifted their emphasis explicitly to advocacy of open activism. Thus, while the attacks of al-ʿUyayrī’s network still almost exclusively targeted Western foreigners and their institutions in Saudi Arabia,³⁸ the statements of the three scholars demanded from all Saudi citizens the adoption of a clear position either in support of the activists of *al-Qāʿida*, who saw themselves as

36 In stark contrast to their assessment of the Taliban, al-Khuḍayr, al-Fahd and al-Khālīdī regarded Saddam Hussein as an infidel. Despite this, however, they excoriated the solidarity of the Saudi state with the Americans in the war in Iraq and demanded support for “Islamic forces” against the *Baʿth* regime instead. See al-Khuḍayr, *Hukm*.

37 There is plenty of evidence to prove the existence of personal contacts between the three scholars and the leader of *al-Qāʿida fī Jazīrat al-ʿArab* Yūsuf al-ʿUyayrī and his followers. Al-ʿUyayrī established contact with the scholars to attune them to his activism by directing their focus to all those issues he considered relevant for this, such as, for example, the campaign against the Taliban in Afghanistan. This initial contact became solidified by the fact that some students of the three scholars later joined the *al-Qāʿida* cell. When, between February and May 2003, al-Khuḍayr, al-Fahd, and al-Khālīdī were forced to go underground, these relationships may have become even tighter. See Hegghammer, *Jihad*, pp. 97, 152–54.

38 While the focus of *al-Qāʿida fī Jazīrat al-ʿArab* was plainly on the expulsion of the American enemy from Saudi soil, the writings of its protagonists suggest nonetheless their questioning of the religiosity of the Saudi state. Again, however, it has to be stressed that political change in the kingdom remained only a subordinate goal to the eviction of Western foreigners from Saudi Arabia. See anonymous, *Liqāʾ*, pp. 24–6; al-Ḥasan, *Nabʿ*, pp. 2f.

mujāhidūn (“those who strive in the course of God”) in the battle against the enemies of an endangered Islam, or of the Saudi state which declared these attacks to be criminal offences and persecuted the attackers as “terrorists”. Because they took sides with the *mujāhidūn*, the three scholars’ criticism of a state whose activities were directed against the alleged saviours and protectors of Islam and the *umma* caused serious doubts to spread as to the state’s actual religiosity. It was therefore not really surprising that, after an attack perpetrated by the *al-Qā’ida* cell in Riyadh in May 2003, al-Khuḍayr, al-Fahd and al-Khālīdī were arrested and jailed for conspiracy.³⁹

In order to answer the question of how *takfīr* was eventually extended to an entire state instead of remaining confined to clearly defined individuals or groups of people, it is necessary to take a closer look at how the three scholars understood “state”. In order to do so, we will have to consider the particular patterns of argumentation that are observable in many of their writings: as will become clear, the “state”, in the scholars’ definition, is not an end in itself but rather a necessary proposition required to legitimize their practice of *takfīr* against it. *Takfīr*, as pronounced by the scholars, thereby centres on offences rather than on the offender. Alongside their particular understanding of “state”, this specific approach to *takfīr* allowed al-Khuḍayr, al-Fahd and al-Khālīdī to conceal it in the guise of criticism (*tanqīd*), and thus to avoid a direct confrontation with the Saudi authorities.

3 What Offence had been Committed?

Nāṣir al-Fahd’s popular work *al-Tibyān fī kufr man a’āna al-amrīkān*, prefaced by ‘Alī al-Khuḍayr, provides some indication of what offences committed by the state constitute unbelief on its part and therefore legitimize the pronouncement of *takfīr* against it. Al-Fahd attempted to prove the illegitimacy of the American military campaigns in Afghanistan in 2001 (treated in the first volume of the work) and in Iraq in 2003 (treated in the second volume). Especially in comparison to the revered “Islamic Emirate” of the Taliban, the United States is portrayed as a morally corrupt country that has used the events of 9/11 as a convenient pretext to target Islam in the name of the “War on Terror”.⁴⁰ In reality, according to al-Fahd, this war is only one example of the clear and

39 Already in February 2003 the scholars were forced into hiding, where they wrote their most radical writings. See al-Hindī, “al-Amīr Nāyif”; al-Muṭawwa‘, “al-Amīr Nāyif”.

40 See al-Fahd, *Tibyān*, p. 5.

everlasting enmity between unbelievers (*kuffār*) and Muslims.⁴¹ What distinguishes a Muslim from an unbeliever, as al-Fahd explains in line with classical Wahhabi doctrine, is his unconditional belief in *tawḥīd*, which implies the rejection of any authority other than God.⁴² Inseparably linked to the concept of *tawḥīd* (“monotheism”) is, according to al-Fahd, loyalty towards Muslims, while at the same time dissociating oneself from unbelievers, that is to say, the application of the legal concept of *al-walāʾ wa-l-barāʾ* (“loyalty to fellow Muslims and dissociation from non-Muslims”).

Being a fully trained legal scholar (*faqīh*), however, al-Fahd was still able to differentiate between three forms of interaction between Muslims and unbelievers, each of which has different juridical consequences. Thus, while he acknowledged that there is permissible interaction (*muʿāmala jāʾiza*), expressed, for example, in the extension of justice and fairness towards peaceful unbelievers, there are other forms that he labelled *muwālāt* (“assistance”). These forms, although they do not fully qualify as unbelief (*kufr*), are still highly problematic, since they may ultimately lead to unbelief. In this category falls, among others, the showing of sympathies towards unbelievers. The third form of interaction, termed *tawallī*, however, is in itself an act of apostasy and must therefore be penalized accordingly. It is to this category that al-Fahd assigned assistance to the *kuffār* in actions against Muslims,⁴³ which—with reference to the American involvement in Afghanistan and Iraq—he described as “[a]ny assistance to them [*the kuffār*] in their war, whether this assistance is physical, with weapons, with the tongue, with the heart, with the pen, with wealth, with opinion”. All this, he concluded, “is *kufr* and apostasy from Islam”.⁴⁴ He then went even further in his explication by describing *tawallī* as a characteristic of “those who have a sickness in their hearts, and are, therefore, hypocrites

41 The somewhat eschatological theme of an eternal war between Muslims and unbelievers is also very common in the radical writings of members of *al-Qāʾida fi Jazīrat al-ʿArab*. See, e.g., anonymous, *Liqāʾ*; anonymous, “Tatimmat al-liqāʾ”; al-ʿUyayrī, *Thawābit*, pp. 3–5, 6f.; idem, *Mustaqbal*, pp. 6–9; Meijer, “Yūsuf al-ʿUyayrī,” p. 447.

42 al-Fahd refers here to the tripartite understanding of *tawḥīd* as *tawḥīd al-ulūhiyya*, *tawḥīd al-rubūbiyya* and *tawḥīd al-asmāʾ wa-l-ṣifāt*, a differentiation that is constitutive to Wahhabi doctrine as laid down in the writings of Muḥammad b. ʿAbd al-Wahhāb. See Ibn ʿAbd al-Wahhāb, *Majmūʿat al-tawḥīd*, pp. 152–56; Peskes, *Muḥammad b. ʿAbd al-Wahhāb*, pp. 21–33.

43 See al-Fahd, *Tibyān*, vol. 1, pp. 42f.

44 al-Fahd, *Tibyān*, vol. 1, p. 45. To prove his point al-Fahd refers to a consensus (*ijmāʿ*) created from the views of Ibn Ḥazm (d. 456/1064), ʿAbd al-Laṭīf b. ʿAbd al-Raḥmān b. Ḥasan Āl al-Shaykh (d. 1293/1876), ʿAbd Allāh b. Ḥumayd (d. 1402/1981) and Ibn Bāz, as well as to the Qurʾān and prophetic *sunna*. See al-Fahd, *Tibyān*, pp. 23–6.

(*munāfiqūn*).⁴⁵ Thus, according to al-Fahd, it is hypocrisy (*nifāq*) that immediately leads to *tawallī* and inevitably to apostasy (*ridḍa*).⁴⁶

In a nutshell, the offence or the sign of unbelief that al-Fahd referred to is, first and foremost, a violation of the principle of *al-walā' wa-l-barā'*: because loyalty (*walā'*) to Muslims without clear dissociation (*barā'*) from unbelievers is—by definition—not possible, any person who actively helps the unbelievers against Muslims cannot but become an apostate.⁴⁷ With regard to the question at hand, however, it is now necessary to focus on the question whom exactly al-Fahd and his two associates considered to have committed this offence in the course of the American military campaigns in Afghanistan and Iraq, and whether this can then serve as a justification for a pronouncement of *takfīr* against ruler and state.

4 Who Committed this Offence?

In May 2003 *al-Qā'ida fī Jazīrat al-'Arab* launched a coordinated terrorist attack on different compounds in Riyadh, targeting non-Muslim foreigners and killing at least thirty-four people. Already before the attack nineteen names and pictures of the most wanted militants, among them some of the later attackers, were published by the Investigation Office of the Ministry of Interior (*al-mabāḥith al-'amma*).

In response, Nāṣir al-Fahd, 'Alī al-Khuḍayr and Aḥmad al-Khālīdī issued a declaration in which they complained about the widespread (mis-)understanding of *jihād* as an offence (*jarīma*), as well as what they perceived as the harmful and disgraceful treatment of the *mujāhidūn* in Saudi Arabia.⁴⁸ Moreover, all three of them were adamant in their claim that the names and pictures of the militants were only published at the insistence of the United States. At the same time they warned every Muslim against betraying the *mujāhidūn* by passing on information to the authorities (*anẓima*) about their whereabouts, because this would ultimately help the American enemy.⁴⁹

45 al-Fahd, *al-Tibyān* (i), p. 49.

46 See Ibn Kathīr, *Tafsīr al-Qur'ān*, vol. 2, p. 63.

47 The very same accusation is also made by al-Khuḍayr and al-Khālīdī in their own respective works. See, e.g., al-Khuḍayr, *Ḥadd*; al-Khuḍayr/al-Fahd/al-Khālīdī, *Bayān*; al-Khuḍayr/al-Rayyis et al., *Kufr*.

48 See al-Fahd/al-Khuḍayr/al-Khālīdī, “Bayān,” p. 34.

49 See al-Fahd/al-Khuḍayr/al-Khālīdī, “Bayān,” pp. 34f; *al-Mudira al-'amma li-l-mabāḥith, Qā'ima*.

A similar tone was adopted in an open letter to the Security Services, written jointly by all three scholars in the same year. Here, they explicitly made the accusation that the Saudi security services, by oppressing, spying on and arresting the *mujāhidūn*, had joined the global campaign of the American enemy and its Western allies.⁵⁰ The Security Services treated them as criminals, whereas they were only fulfilling their religious obligation of *jihād*.⁵¹ Finally, the three scholars ask the Security Services to stop their activities, because

[i]f you chase the righteous *mujāhidūn* because of their *jihād* or their victory, if you expel them, arrest them or the like, then you are extending your best help to the crusaders against the Muslims. If someone assists the crusaders against the *mujāhidūn* in any way, be it by passing on information about them, spying on them, reporting them, arresting them, or the like, then he is an unbelieving apostate (*kāfir murtadd*) from the *dīn* of God, even if he prays, pays alms, fasts, or speaks the testimony of faith and claims to be a Muslim.⁵²

What is striking about both of the above statements of al-Fahd, al-Khuḍayr and al-Khālīdī is that at no point do they refer to an actual individual who could be subjected to the legal consequences an apostate would normally face. Nowhere is there any mention of the Saudi king, or even the ruling family, which would, according to what has been said above, be the requirement for the pronouncement of *takfīr* against the ruler. Instead, the three scholars refer to somewhat anonymous “authorities” or the security services as an institution.

In order to justify the view that what al-Fahd, al-Khuḍayr and al-Khālīdī did here can nonetheless be considered at least implicit *takfīr* against the ruler it is necessary to take a closer look beneath the surface. Thus one needs to acknowledge that, after all, none of the Saudi security services is an autonomous body, but they are rather directly subordinated to the Ministry of Interior.⁵³ Consequently, the responsibility for the violation of the principle

50 The manifold military cooperation of the Saudi kingdom with the USA, and its open support for the American military campaigns has been widely discussed by members of *al-Qā'idā fī Jazīrat al-Arab*. See, e.g., al-Zahrānī, *Āyāt*.

51 See al-Khuḍayr/al-Fahd/al-Khālīdī, *Risāla*, p. 1.

52 See al-Khuḍayr/al-Fahd/al-Khālīdī, *Risāla*, pp. 2f.

53 According to its own description of the “Objectives and Responsibilities”, the Ministry of the Interior of Saudi Arabia is committed to the support of “internal and external security, control crime, terrorism and ... develop Arab security institutions”, and thus also for the police. *Ministry of the Interior Objectives and Responsibilities*.

of *al-walā' wa-l-barā'* on the part of the various security services, which ultimately results in unbelief (*kufṛ*), would ultimately lie with the Minister of Interior, Nāyif b. 'Abd al-'Azīz. Since he, in turn, was installed and retained in office by his half-brother, the current Saudi king 'Abd Allāh b. 'Abd al-'Azīz, it can safely be concluded that by targeting a state institution—the Security Services—the three scholars in fact practised *takfīr* against the ruler, as all state institutions owe their loyalty to the head of state, i.e. the king.

There are indications in the writings of the three scholars from that period that can support this assumption: For one, the attack of the three scholars on the security services goes hand in hand with the call to all Saudi citizens, including security personnel, to demonstrate loyalty towards the *mujāhidūn* and, inseparably linked to it by the doctrine of *al-walā' wa-l-barā'*, to withhold obedience from the state institutions at the same time. Every righteous believer, explicitly including the security policemen, should quit their work and refrain from carrying out what the three scholars considered infidel instructions based on *tawallī*, the third and absolutely prohibited form of interaction with unbelievers. Otherwise, and again consistent with the understanding of *al-walā' wa-l-barā'* outlined above, their obedience would cause them to forsake Islam.

Moreover, in his *Tuḥfa saniyya fī taḥrīm al-dukhūl fī l-'askariyya*, also written and published in 2003, Aḥmad al-Khālidi provided corroboration for the aforementioned assumption that the three scholars indeed did not understand the security apparatus to be an autonomous entity, but rather a manifestation of the official state policies, ultimately resulting from directives issued by the ruler. Here, al-Khālidi characterized the army and police as the “executive organs of a state” (*jihāt al-tanfīdhīyya*), fully responsible for translating the infidel laws (*qawānīn al-kufriyya*) of the government into concrete instructions and their practical application to the people. This responsibility is explained as tacit approval (*i'tibār*) and execution (*tanfīdh*) of the decisions reached by the cabinet (*qarārāt majlis al-wuzarā'*), the directives issued by the Ministry of Interior, and everything that is decreed by the authorities.⁵⁴ The executive organs, so he concluded, “are the power of a state. They are a useful tool to be employed depending on the policy of the state” (*adāt ṣāliḥa li'l-isti'māl waḥḍan li-siyāsāt al-duwal*).⁵⁵ What emerges clearly from such statements is that the three scholars regarded the state institutions as intrinsically and fully intertwined with the political authority. Because of this understanding, what at a first glance may appear as *takfīr* against the individual members of the security apparatus as one particular governmental institution, could in fact well be

54 See al-Khālidi, *Tuḥfa*, p. 35.

55 al-Khālidi, *Tuḥfa*, p. 36.

considered *taḳfīr* against every associated institution, and ultimately against the ruler himself. Therefore, if we decide to acknowledge what the three scholars did as *taḳfīr* proper, then it would indeed be directed against the state—the embodiment of the political—as a whole and, hence, as a body corporate.

Finally, not only are the targets of the *taḳfīr* of the three scholars—ultimately the king and his government—at best mentioned indirectly, even their *taḳfīr* as such appears to be rather implicit. A *fatwā* by Nāṣir al-Fahd, entitled *ʿIndamā yakūn al-jihād fī sabīl amrikā* and issued probably at around the same time, provides a vivid illustration of the implicit character of the *taḳfīr* that the three scholars pronounced against the Saudi state, because, as will be shown, at no point is the accusation of unbelief explicitly spelled out. The way al-Fahd developed and presented his argument makes it still appear as mere criticism of the Saudi political establishment, while the unspoken consequence from the argument he developed in this way was nonetheless entirely obvious to his intended audience.

Al-Fahd began his argument with an attempt to provide evidence for the fact that the Saudi state—as a whole and in its parts—did violate the doctrine of *al-walāʾ wa-l-barāʾ* by actively assisting infidels in the pursuit of their own respective interest. Here, al-Fahd argued that the attitude of the “state called Saudi” (*al-dawla al-musammāh bi-l-saʿūdiyya*)⁵⁶ towards the *mujāhidūn* depended decisively on the actual course of American policies: while they were praised as heroes during the *jihād* in Afghanistan against the Red Army in the 1980s, today they are criminalized for their *jihād* in Iraq. This shift in the appreciation of the *mujāhidūn* was—at least in the eyes of al-Fahd—obviously prompted by a shift in the interests of US policies: while the Americans clearly benefited from the war in Afghanistan against their communist enemies, the current war in Iraq is directed against the United States itself and thus not welcome.⁵⁷ The Saudi government’s changing attitude towards the *mujāhidūn* was patently indicative of the fact that it did so only to please its American ally; in doing so, it has deviated from its religious foundations, because it would now advocate a *jihād* for the sake of America (*fī sabīl amrikā*) over one for the sake of God (*fī sabīl Allāh*).⁵⁸

One can certainly link al-Fahd’s argument here to the earlier one of al-Khālīdī: the accord of the Saudi ruler with an infidel power that openly targets Muslims and Muslim interests—visible in the hostile position of the Saudi government towards the *mujāhidūn* within and outside of Saudi

⁵⁶ al-Fahd, *ʿIndamā*, p. 2.

⁵⁷ See al-Fahd, *ʿIndamā*, p. 2.

⁵⁸ See al-Fahd, *ʿIndamā*, p. 2.

Arabia—ultimately affects each and every believer under Saudi rule, and thus consequently the entire Saudi state. Therefore, because the Saudi ruler disobeys the principle of *al-walā' wa-l-barā'* and thereby commits an act of clear unbelief, everyone who obeys his orders would consequently be guilty of the very same offence.

From the above discussion, one is certainly tempted to draw the ready conclusion that, because of the different interdependences that exist between the head of state and the various executive bodies, the manifestation of unbelief in one single governmental department is a result of infidel orders by the highest political authority. At the same time, apostasy committed by one single governmental department poses a threat to the fidelity of the entire polity and each one of its members. The case, however, seems a little more complicated: after all, one may ask why, although the critique in his aforementioned *fatwā* is quite explicit, al-Fahd refrains from accusing the state of infidelity and instead just characterizes it as hypocritical: “On this occasion I do not want to cite proofs of the legitimacy of this *jihād* and reinforce it . . . I would rather like to explain the hypocrisy (*nifāq*) of this state (*dawla*).”⁵⁹

It certainly needs to be acknowledged that an explicit and open *takfīr* against the state as a whole or one of its parts can hardly be established from this *fatwā*. However, it is nonetheless possible to explain it as accusation of apostasy by taking his other writings—all of them more or less from the same period—into consideration. The most important in this regard seems to be the previously discussed *al-Tibyān fī kufr man a'āna l-amrīkān*, in which Nāṣir al-Fahd discusses the various forms of interaction of Muslims with unbelievers and their legal consequences. By combining the scholar's view that hypocrisy (*nifāq*) leads to non-permissible association with the unbelievers (*tawallī*), which in turn leads to apostasy (*ridḍa*), and his later assertion that the Saudi state is hypocritical, we can safely conclude that according to al-Fahd the Saudi regime as a whole shows signs of apostasy. His readers and supporters would certainly have understood this implicit message very well, as indicated by the impact that al-Fahd's earlier writings had on recruitment to *al-Qā'ida fī Jazīrat al-'Arab*.

5 Conclusion—The Implicit of the Implicit

In the end, the line of argument adopted by the three Saudi scholars Nāṣir al-Fahd, 'Alī al-Khuḍayr and Aḥmad al-Khālīdī illustrates only one among

59 al-Fahd, *Indamā*, p. 1.

countless possible responses to state and religion in Saudi Arabia. What remains to be established, however, is whether the accusation of apostasy—*takfir*—played a decisive role in their attempt to legitimize disobedience against the entire state, and, if so, what form it took and why. At this point it needs to be examined whether our initial hypothesis still holds—namely, that the point of reference shifted from clearly discernible and legally responsible individuals or well defined groups as the target of *takfir* to the less tangible Saudi state.

It can rightly be argued that the arguments of the three scholars in what has been assumed to be ultimately an accusation of apostasy against the Saudi state were first and foremost determined by the state's position towards the so-called "far enemy", and above all the USA. The multifarious forms of support that the Saudi government extended to the Americans, be it outside the kingdom, as in the military campaigns in Afghanistan and Iraq, or inside it, as in the persecution of ostensible Saudi terrorists, was interpreted as an unequivocal declaration of loyalty to and support for infidels over Muslims. This, in turn, was considered as a clear violation of the legal principle of *al-walā' wa-l-barā'* which, in the eyes of radical '*ulamā'*' such as the three at the centre of our inquiry, made the Saudi state a target of *takfir* as a means to justify civil disobedience. This perspective did not develop just by accident: after all, not least because of the repression that the activists of *al-Qā'ida* and eventually the scholars themselves were subjected to in the name of "counter-terrorism", they ostensibly felt the long reach of the USA through the politics of the Saudi state.

At first glance it would seem that the three scholars had only the security forces pinned down as responsible for the deviation of the Saudi state from its religious foundations; after all, it was they who represented the rather abstract politics of the state and gave it a concrete form, as al-Fahd, al-Khuḍayr and al-Khālidi directly experienced. This view, though, appears too myopic, as the violation of the *walā' wa-l-barā'* principle—the nucleus of the scholars' argument for the legitimacy of *takfir* and, eventually, for civil disobedience—was not confined to these state institutions. Because the three scholars saw them all as interdependent and, by way of the chain of command, inseparably tied to the ruler and his government, they were considered representative of government policies and thus identified with political authority. Therefore, an attack on a single state institution could well be understood as directed against the ruler himself, and ultimately as an attack launched against the entire state. By implication, the entire state, as the sum of all its parts, was now considered a legal person against whom the legal practice of *takfir* became technically

possible. The obvious benefit of such an approach, in turn, is that it appeared much safer to accuse the state, as a conglomerate of densely intertwined institutions, of unbelief than to confine this to the ruler as the one holding the ultimate responsibility for the fidelity of the polity.

On the other hand, however, to consider this practice as *takfīr* proper appears still quite problematic for a number of reasons. On an objective level, the scholars undeniably deviated from their own normatively grounded understanding of the practice of *takfīr* as elaborated in their numerous legal and theological treatises. In these, *takfīr* is considered legitimate only if directed against a clearly defined individual and, moreover, only after the possibility of mitigating circumstances has been thoroughly assessed.⁶⁰ On the analytical level, to consider what has been practised by the three scholars as *takfīr* remains most difficult and to an extent speculative, because it is hidden beneath indirect accusations, criticisms and admonitions. Thus, neither the Saudi king himself, nor other specifically identifiable politicians have been directly and unequivocally accused of unbelief. Even the accusation of unbelief against state institutions and their functionaries remained rather general; interdependencies with the government and, ultimately, the ruler remained equally vague and were couched in moral admonitions, although they can easily be established on the basis of other writings of al-Fahd, al-Khuḍayr and al-Khālidi. One tends therefore to conclude that *takfīr* of the ruler and state, as practised here, appears rather as the implicit of the implicit.

Still, al-Fahd's aforementioned rebuke of his own publicly displayed catharsis, when he said that "I have not committed any mistake in accusing the state of unbelief, I do not revoke this",⁶¹ clearly indicates that it is nonetheless justified to consider what has been discussed in this study not just as mere criticism against, and admonition of ruler and state, but rather as true *takfīr*.

60 This refers to a distinction relating to *takfīr* made by many militant and non-militant Salafists alike who, usually with reference to Ibn Taymiyya, distinguish two kinds of *takfīr*: whereas in *takfīr al-muṭlaq* the emphasis is on the act (*fi'l*) as one of infidelity, the focus in *takfīr al-mu'ayyan* is on the individual that is accused of having committed a clearly discernible act of apostasy. Besides establishing the act as one of infidelity, the practice of *takfīr al-mu'ayyan* requires also a thorough assessment of possible mitigating circumstances, such as ignorance (*jahl*) or coercion (*ikrāh*). See Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 11, p. 406; vol. 12, pp. 487–500; also al-Khālidi, *Injāh*; al-Khuḍayr, *Mawānī*.

61 al-Fahd, *al-Tarāju'*, p. 2.

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“The *Kāfir* Religion of the West”: *Takfīr* of Democracy and Democrats by Radical Islamists

Joas Wagemakers

1 Introduction

Over the past twenty to thirty years, it has become clear that many Islamists have accepted the rules of democracy, defined here in a very minimal way as a political system that has the people as its ultimate source of power and holds regular elections through which the public can express its political views.¹ Publications from the last two or three decades have shown convincingly that organisations such as the Muslim Brotherhood have been willing to work within the political system—instead of overthrowing it—in countries such as Egypt,² Jordan³ and others.⁴ Moreover, it has also become clear that, while doing so, many Islamists have actually accepted (aspects of) democracy and have done this on Islamic grounds through concepts such as *ijmāʿ* (consensus),

1 For more definitions of democracy, see Heywood, *Politics*, pp. 67–84.

2 See, for instance, Abed-Kotob, “The Accommodationists Speak,” pp. 321–39; Auda, “The ‘Normalization’ of the Islamic Movement in Egypt,” pp. 375–77, 379–81, 385–95; Farschid, “Ḥizbiya”; Forstner, “Auf dem legalen Weg zur Macht?”; Harnisch and Mecham, “Democratic Ideology”; Sullivan and Abed-Kotob, *Islam in Contemporary Egypt*, pp. 41–70.—This chapter was written before the rise to (and subsequent fall from) power of the Muslim Brotherhood in Egypt and does not take into account the developments after 2011. The same applies to developments among radical Islamists after the advent of the Arab Spring. It seems, however, that radical Islamists’ views on democracy—with the exception of elections, which some of them seem to accept now—have not fundamentally changed because of the Arab Spring, although this may, of course, change in the future. An in-depth study of radical Islamists’ views of the Arab Spring and the changes it has brought about requires a separate article, however.

3 See, for example, Abu Rumman, *The Muslim Brotherhood*; Boulby, *The Muslim Brotherhood*, pp. 73–157; Robinson, “Can Islamists be Democrats?”; Schwedler, “A Paradox”; idem, *Faith in Moderation*.

4 For overviews of how Islamists in different countries have dealt with democracy and democratic elections, see Esposito and Piscatori, “Democratization”; Esposito and Voll, *Islam*, pp. 52–191.

bay'a (oath of fealty) and, particularly, *shūrā* (consultation).⁵ This widespread acceptance of democracy by moderate Islamists, however, cannot obscure that radical Islamists,⁶ represented by Jihādī-Salafīs⁷ in general and organisations such as al-Qā'ida in particular, very often reject democracy as an “un-Islamic” system.⁸ These radical Islamists who reject democracy are often referred to as *takfīrīs* by their opponents because of their relatively broad application of the label *kāfir* (“unbeliever”, pl. *kuffār*) to Muslims they deem apostates (*murtaddūn*). This same concept is also applied by them to democracy and its supporters, although not always in the same way. While the support for and, to a lesser extent, the rejection of democracy have been dealt with extensively in the literature, the exact reasons for applying *takfīr* to democracy and democrats and how this differs from one context to another have not. This topic is therefore what this contribution focuses on.

Based mostly on the Arabic radical Islamist writings (books, articles, *fatwās*) on this issue⁹, I will first deal with the legitimisation of *takfīr* of democracy as a system, followed by the application of the concept to democrats. While the radical Islamist rejection of democracy as such is quite uniform, *takfīr* of democrats is not, as we will see. The differentiation between radical Islamists on this issue becomes even greater when we turn to the third subject of this contribution, namely the application of *takfīr* to democratic processes in actual practice in two different Muslim countries: Jordan and Iraq. The goal of this article is three-fold: firstly, it seeks to show what arguments radical Islamists use to

5 Abootalebi, “Islam, Islamists, and Democracy”; Adams, “Mawdudi and the Islamic State”; Ashour, “Democratic Islam?”; Esposito and Piscatori, “Democratization,” pp. 434–38; Esposito and Voll, *Islam*, pp. 27–30; Krämer, “Islamist Notions”; Shavit, “Is *Shura* a Muslim Form of Democracy?”; El-Solh, “Islamist Attitudes”.

6 I define radical Islamists here as those Islamists who reject working within the system and call for or even actively work towards overthrowing it.

7 I define Jihādī-Salafīs as those Salafīs who not only see *jihād* as a tool with which to confront the *dār al-kufr* (“the abode of unbelief”, i.e. the lands where Islamic law is not applied), but who also believe it can be used to confront nominally Muslim opponents within the *dār al-Islām*. See also Wagemakers, *A Quietist Jihadi*, pp. 9–10. There are also other, non-Jihādī-Salafīs who reject democracy, however. For more on Salafism, see Meijer, *Global Salafism*; Rougier, *Qu'est-ce que le salafisme?*

8 McCants, “Al Qaeda's Challenge”; Lahoud, *The Jihadis' Path*, pp. 147–178.

9 The Arabic writings used for this article were downloaded from the biggest online *jihādī* library, www.tawhed.ws (see notes for more precise links), unless stated otherwise, and were all still available on 02/01/2014. All URLs given provide links to the HTML-versions of the writings since direct links to Word-versions often do not exist. Word-versions of most writings themselves do exist, however, and the page references given in the present contribution refer to those, except when only HTML-versions were available.

apply *takfīr* to democracy and democrats, both in theory and in practice; secondly, it makes clear that “*takfīrīs*”, despite generalised statements about their reckless radicalism, are more careful than they are given credit for and are not one of a kind in this regard; and thirdly, it shows that, despite a virtually uniform rejection of democracy, the application of *takfīr* by radical Islamists takes the context in which it is applied into account, resulting in different outcomes.

2 Legitimising *Takfīr* of Democracy

2.1 *The People as the Source of Power*

Probably the most important reason why radical Islamists believe democracy justifies *takfīr* is that it takes the people—not God—as its ultimate source of power and authority. This, they believe, violates the *tawhīd* (unity) of God, which to radical Islamists (and others) implies that God should be absolutely sovereign in every sphere of life.¹⁰ This partly goes back to the belief that God is the sole Creator of mankind and that “the complete power (*al-sulṭa al-muṭlaqa*) belongs to nobody but the Creator,” whom all creatures should obey.¹¹ Giving power and authority to anybody else but God goes against this natural order by “substituting [the rule of the Creator (*siyādat al-khālīq*)] with the rule of the created (*siyādat al-makhlūq*)”.¹²

The switching of roles between the Creator and his creatures becomes more concrete when applied to politics, which obviously involves ruling (*ḥukm*) and legislating (*tashrīʿ*). Radical Islamists strongly associate these latter two concepts with serving or worship (*ʿibāda*). God is worshipped by, among other things, following His rule as expressed in Islamic law (*sharīʿa*), they argue. If people follow positive or “man-made” laws (*qawānīn waḍʿiyya*), radical Islamists claim, they effectively serve and worship others besides God. Numerous verses from the Qurʾān are cited to show that “He associates in His government (*ḥukmihi*) no one” (Qurʾān 18:26)¹³ and that “He has commanded that you shall not serve any but Him” (Qurʾān 12:40). That worshipping other

10 This form of *tawhīd* is often referred to as *tawhīd al-ḥākimiyya* (“the unity of sovereignty”). See, e.g., al-Ṭarṭūsī, *Maʿnā Tawhīd al-Ḥākimiyya*. The term *tawhīd* is broader than this one dimension, however, and is often divided into three branches. *Tawhīd al-ḥākimiyya* is usually described as being part of one of these three. See Haykel, “On the Nature of Salafi Thought,” pp. 38f.

11 Sharīf, *Jalāʿ*.

12 al-ʿAlī, *al-ʿAlāqa*, p. 2. See also Sharīf, *Jalāʿ*, p. 299; al-Ṭarṭūsī, *al-Dīmuqrāṭiyya*, p. 2.

13 All Qurʾānic verses cited were taken from Arberry, *The Koran Interpreted*.

gods can actually be associated with following non-Islamic laws according to radical Islamists, becomes clear from verses such as Qurʾān 9:31, which states that “[the Jews and Christians] have taken their rabbis and their monks (and, by implication, Jewish and Christian legislation, JW) as lords (*arbāban*) apart from God”.¹⁴ Words such as “lords” and “false gods” (*ṭawāghūt*) should therefore not only be associated with “stones (*aḥjāran*), idols (*aṣnāman*), trees (*ashjāran*) and graves (*qubūran*) that are worshipped (*tuʿbadu*) through prostration (*sujūd*), supplication (*duʿāʾ*), a vow (*nadhr*), or circumambulation (*ṭawāf*)”. On the contrary, laws can also be seen as “false gods” and “obedience in [man-made] legislation is worship”.¹⁵

In a democracy, of course, it is precisely the people’s job to come up with laws and apply them. Since the people thereby take it upon themselves to do something that is really God’s prerogative, radical Islamists claim, democracy and Islam simply cannot be combined.¹⁶ Some even go so far as to say that the term “religion” (*dīn*) “encompasses every religion (*millā*), method (*man-hajj*), ruling system (*niẓām ḥukm*) or law (*qānūn min al-qawānīn*) that mankind follows (*yatbaʿuhā*) and professes (*yadīnūna lahā*)”,¹⁷ which explicitly includes democracy. The latter is therefore also described as “the *kāfir* religion of the West”, “the new religion”, a “major false god” (*ṭāghūt kabīr*) and a “religion other than God’s religion”.¹⁸ Given all of this, it is not surprising that radical Islamists apply *takfir* to democracy as a system that has the people as its source of power by labelling it a form of unbelief (*kufṛ*) or even major unbelief (*kufṛ akbar*).¹⁹

2.2 Majority Rule

A second major reason radical Islamists believe democracy is worthy of *takfir* is strongly connected with the idea of the people as the source of power,

14 al-Libī, *al-Dīmuqrāṭiyya*, p. 9; al-Ṭarṭūsī, *Hādhihi Hiya l-Dīmuqrāṭiyya*, pp. 1–2; idem, *Ḥukm al-Islām*, pp. 27–30; al-Sayf, *al-Niẓām al-Dīmuqrāṭī*, pp. 1–7; al-Shinqīṭī, *Fitnat al-Dīmuqrāṭiyya*, pp. 81–90, 168, 419–432.

15 al-Maqdisī, *al-Dīmuqrāṭiyya*, p. 5.

16 ‘Abd Allāh, *Ukdhubat al-Dīmuqrāṭiyya*, pp. 1–2; al-Sharīf, *Ḥaqīqat al-Dīmuqrāṭiyya*, pp. 7–12; al-Ṭarṭūsī, *Ḥukm*, pp. 109–111.

17 al-Maqdisī, *Al-Dīmuqrāṭiyya*, p. 9.

18 al-‘Āmilī, *al-Dīmuqrāṭiyya*, p. 2; al-‘Alī, *al-‘Alāqa*, p. 2; al-Maqdisī, *al-Dīmuqrāṭiyya*, p. 9; al-Shinqīṭī, *Fitnat*, p. 271; al-Ṭarṭūsī, *Ḥukm*, p. 67. See also Lahoud, *Jihadis*, pp. 171f.

19 al-‘Āmilī, *al-Dīmuqrāṭiyya*, p. 2; al-Libī, *al-Dīmuqrāṭiyya*, p. 9; Muṣṭafā, *al-Muslimūn*, p. 35; al-Sayf, *al-Niẓām*, p. 7; al-Ṭarṭūsī, *Ḥukm*, 67. *Kufṛ akbar* is a category of unbelief so grave that it expels the culprit from Islam. The term *kufṛ* is often used as shorthand for *kufṛ akbar*. For more on this, see Wagemakers, “The Transformation of a Radical Concept,” pp. 95–99; idem, *Quietist*, pp. 63–66.

namely that it is based on majority rule and not necessarily on what is right and that the system of democracy requires that people accept the majority view, regardless of whether they agree with it.²⁰ Although some scholars argue that “democracy is the rule of the minority (*ḥukm al-aqalliyya*)”, embodied by “the heads of finance (*ruʾūs al-amwāl*) from among traders (*al-tujjār*), military officers (*ḍubbāt al-ʿaskar*) and important politicians (*kibār rijāl al-siyāsa*)”,²¹ most believe that the majority is actually in control and they are vehemently against this. One Mauritanian scholar named Aḥmad al-Shinqīṭī cites various *ḥadīths* that are used by pro-democracy Islamists to indicate that a majority may prevail over a minority but dismisses these as “weak” *ḥadīths* (i.e. whose authenticity is in serious doubt).²²

Alternatively, several radical scholars present Qurʾānic evidence to suggest that majorities are frequently wrong and that the truth is often represented by minorities. Passages such as Qurʾān 12:106 (“And the most part of them believe not in God, but they associate other gods with Him”), Qurʾān 6:116 (“If thou obeyest the most part of those on earth they will lead thee astray from the path of God”) and Qurʾān 13:1 (“but most men do not believe”) clearly bear this out, radical Islamists believe.²³ Conversely, prophets such as Mūsā (Moses) but also Muḥammad (in Mecca) were part of a minority (supposedly) representing the will of God among a majority of unbelievers.²⁴ The idea of the minority being on the right path, however, also taps into the belief among some, particularly Salafī, radicals that they are part of the *ṭāʾifa manṣūra* (victorious group) or the *firqa nājiya* (redeemed sect)—as based on several *ḥadīths*²⁵—that will, in the end, be saved from hell.²⁶

Radical Islamists thus believe that no majority should automatically be relied upon since even a minority can be right. This does not mean that the idea of majority rule as such is rejected, only that Muslims should not attach any moral value to what the majority believes simply because it is the

20 al-Shinqīṭī, *Tahāfut*, p. 5; al-Ṭarṭūsī, *Hādhihi*, pp. 5f.

21 al-Shinqīṭī, *Fitnat*, p. 72.

22 al-Shinqīṭī, *Fitnat*, pp. 238–247.

23 al-Maqdisī, *Ilā Duʿāt ʿalā Abwāb Jahannam*, p. 7; al-Shinqīṭī, *Fitnat*, pp. 247–249; al-Ṭarṭūsī, *Ḥukm*, p. 53.

24 al-Shinqīṭī, *Fitnat*, pp. 245–247.

25 See, e.g., *Ṣaḥīḥ al-Bukhārī*, book 56 (“Kitāb al-Manāqib”), chapter 27 (“Bāb”), nos. 834 and 835; book 92 (“Kitāb al-Iʿtiṣām bi-l-Kitāb wa-l-Sunna”), chapter 10 (“Qawl al-Nabī [...] Lā Tazālu Ṭāʾifa...”), no. 414.

26 Haykel, “Nature,” pp. 33f.; Wiktorowicz, *Management*, p. 120.

majority.²⁷ Instead, they should follow what is best from an Islamic point of view.²⁸ It is not entirely clear how such a position is expressed in practice, but it is obvious that Muslims should strive to find out what this entails instead of relying on a majority that will very often come up with *kufir* solutions, as we saw in the Qur'ānic verses cited above, which once more justifies the application of *takfir* to democracy.

2.3 *Equality and Freedom for All*

A third major reason radical Islamists reject democracy and apply *takfir* to it has to do with the equality and freedom that citizens of democratic countries (ideally) enjoy. Some argue that treating people as equals is slightly absurd, since it would mean that “the most knowledgeable” (*a'lam al-nās*) are treated in exactly the same way as “the most ignorant” (*ajhal al-nās*).²⁹ Beyond this rather Platonic rejection of equality,³⁰ radical Islamists are more upset about equal rights for men and women and—especially—for Muslims and “unbelievers”. With regard to the former, Qur'an 3:36 (“The male is not as the female”) is cited to stress the inadmissibility of giving women equal rights and statistics on rape and divorce in Europe are presented to “prove” the folly of sexual equality,³¹ which “democracy strives for [...] to change human society (*al-mujtamā' al-insānī*) into an animal society (*mujtama' bahīmī*)”.³² Similarly, verses such as Qur'an 32:18 (“What? Is he who has been a believer like unto him who has been ungodly? They are not equal”) are quoted and references are made to the Jewish tribes in Medina to show that believers are different from unbelievers.³³ Not making such a distinction, according to a ruling by the Saudi Permanent Council for Knowledge Studies and Fatwas (Al-Lajna al-Dā'ima li-l-Buḥūth al-Ilmiyya wa-l-Iftā') cited by some radical Islamists, makes one a *kāfir*.³⁴

27 Being against ascribing moral value to the majority simply for its being the majority is reminiscent of what Alexis de Tocqueville wrote about democracy in America. See his *Democracy in America*, pp. 255f. Interestingly, the same argument is made by the Algerian Islamist 'Alī b. Ḥāj (Alī Belhadj). Although Ibn Ḥāj is not a radical Islamist by the standards employed in this chapter (wanting to overthrow the system), he does oppose democracy. See 'Alī b. Ḥāj, *al-Damgha*, p. 6.

28 al-Shinqīṭī, *Fitnat*, pp. 240, 250.

29 Muṣṭafā, *al-Muslimūn*, p. 20; al-Ṭarṭūsī, *Ḥukm*, p. 60.

30 Plato, *Republic*, books 5–7.

31 al-Shinqīṭī, *Fitnat*, pp. 75–78.

32 al-ʿĀmilī, *al-Dīmuqrāṭiyya*, p. 2.

33 Muṣṭafā, *al-Muslimūn*, p. 20; Sāṭūr, *al-Islām al-Dīmuqrāṭī*, p. 1; al-Shinqīṭī, *Fitnat*, p. 75; al-Ṭarṭūsī, *Hādhihi*, p. 4; idem, *Ḥukm*, p. 60.

34 Muṣṭafā, *al-Muslimūn*, p. 21; al-Ṭarṭūsī, *Ḥukm*, p. 61.

Supporting equality between the sexes not only contradicts scriptural evidence, radical Islamists claim, but it also leads to the freedom in which sinful practices such as adultery, homosexuality and sex on television can flourish.³⁵ "The freedom that liberal democracy provides", one scholar states, "is the freedom of animals (*ḥurriyyat al-ḥayawān*), not the freedom of people (*ḥurriyyat al-insān*)".³⁶ Equality can even lead to apostasy (*ridda*) since the freedoms of religion and expression give people the right to reject Islam and become Jewish or Christian or abandon faith altogether.³⁷ Such freedom "encompasses the right to choose [between] worshipping God or the devil"³⁸ and "gives humans (*al-bashar*) total freedom to worship (*ḥurriyyat al-ʿibāda al-muṭlaqa*) a tree, a stone, idols or whatever humans want to worship".³⁹ It also allows people to insult Islam⁴⁰ and several scholars cite the cartoons of the Prophet Muḥammad published in a Danish newspaper in 2006 (and particularly the unwillingness of the democratically elected Danish government to ban these cartoons) as examples of this.⁴¹ This is typical of democratic freedom, the Syrian-British radical scholar Abū Baṣīr al-Ṭarṭūsī notes, since "in a democracy, nothing is so sacred that it cannot be discussed". In Islam, however, this is all *kufr*.⁴²

In contrast to the freedom that democracy offers, Islam, radical Islamists maintain, offers freedom within the boundaries of Islam as decided by God—not by humans.⁴³ Democratic freedoms such as those mentioned above should be countered with harsh and physical punishments⁴⁴ and some, especially apostasy, are worthy of the death penalty.⁴⁵ The scholars name several verses from scripture to indicate that *ridda* is absolutely forbidden. Most prominent among these is the Prophet Muḥammad's saying⁴⁶ that "whoever changes his

35 al-Ḥasan, *al-Islām*, p. 4; Muṣṭafā, *al-Muslimūn*, p. 18; Sharīf, *Ḥaqīqat*, pp. 17–18; al-Shinqīṭī, *Fitnat*, p. 64.

36 al-Shinqīṭī, *Fitnat*, pp. 65, 109, respectively.

37 al-Lībī, *al-Dīmuqrāṭiyya*, p. 6; Muṣṭafā, *al-Muslimūn*, pp. 16f.; al-Shinqīṭī, *Fitnat*, p. 63; al-Ṭarṭūsī, *Hādhihi*, p. 2; idem, *Ḥukm*, pp. 22f.

38 al-Ḥasan, *al-Islām*, p. 5.

39 Muṣṭafā, *al-Muslimūn*, p. 22.

40 al-Ṭarṭūsī, *al-Dīmuqrāṭiyya*, p. 2; idem, *Hādhihi*, pp. 2f.; idem, *Ḥukm*, pp. 22f.

41 *Ḥurriyyat al-Kufr*, pp. 2f.; al-Shinqīṭī, *Fitnat*, pp. 65f.

42 al-Ṭarṭūsī, *Hādhihi*, p. 2; idem, *Ḥukm*, p. 37.

43 al-Ṭarṭūsī, *Ḥukm*, p. 45; idem, *Ḥurriyyat*, pp. 2f.

44 al-Shinqīṭī, *Fitnat*, p. 109.

45 al-Ḥasan, *al-Islām*, p. 5; al-Shinqīṭī, *Fitnat*, p. 109; al-Ṭarṭūsī, *Hādhihi*, p. 3.

46 *Ṣaḥīḥ al-Bukhārī*, book 84 ("Kitāb Istitābat al-Murtaddin wa-l-Mu'ānidin wa-Qitālihīm"), chapter 2 ("Bāb Ḥukm al-Murtadd wa-l-Murtadda"), no. 57.

religion (*man baddala dīnahu*), kill him (*fa-qtulūhu*).⁴⁷ The reason for such punishments is that the freedoms provided by democracies are, in fact, “*kufīr* by consensus” (*ijmāʿan*).⁴⁸

2.4 Shūrā as Islamic Democracy?

The three arguments mentioned above are the most common ideological reasons used to justify *takfīr* of democracy. They are not the only ones, however, since issues such as the separation of powers and secularism, both often associated with democracy, are also criticised by radical Islamists.⁴⁹ Moreover, more political arguments are also used by scholars to express their rejection of democracy, most prominently the association of democracy with the perceived Western, capitalist and “Jewish” dominance over and interference in Muslim countries, framing it as a system unfit for Muslims for that reason too.⁵⁰ Some scholars also cite Western philosophers and political scientists’ criticism of democracy to buttress their own case against it.⁵¹ More important from an Islamic point of view, however, is radical Islamists’ refutation of the idea that *shūrā* is some sort of Islamic form of democracy.

Radical Islamists are well aware of the fact that some of their more moderate brethren use the concept of *shūrā* to legitimise their acceptance of democracy and some of them spend considerable time refuting this idea.⁵² Some scholars argue that democratic Islamists may want to name democracy *shūrā*, but that this does not make the former any more legitimate.⁵³ The main aspects that set *shūrā* apart from democracy⁵⁴ seem to compensate precisely for the shortcomings of the latter mentioned above. While democracy, as we just saw, is often associated with the West, the concept of *shūrā* is seen as authentically Islamic

47 al-Ḥasan, *al-Islām*, p. 5; al-Lībī, *al-Dīmuqrāṭīyya*, p. 6; al-Ṭarṭūsī, *Hukm*, pp. 32–34.

48 al-Shinqīṭī, *Fitnat*, p. 109.

49 See, e.g., al-Shinqīṭī, *Fitnat*, pp. 61f., 168–73.

50 al-Ḥasan, *al-Dīmuqrāṭīyya*, pp. 1–5; Idrīs, *al-Qisṭīyya*, pp. 1, 7; al-Majlisī, *al-Islām al-Dīmuqrāṭī*, p. 2; al-Maqdisī, *Ammā Ān li-l-Sudhdhaj an Yanḍajū*, pp. 1–3; idem, *Mashrūʿ*; al-Sayf, *al-Nizām*, p. 13; al-Shinqīṭī, *Fitnat*, pp. 68–71, 127f.; Sufyān, *Hadaḡ*, p. 1; al-Ṭarṭūsī, *al-Dīmuqrāṭīyya*, pp. 1–4; idem, *al-Intikhābāt*, pp. 1–4.

51 Idrīs, *al-Dīmuqrāṭīyya*, pp. 1–8; al-Shinqīṭī, *Fitnat*, pp. 164–167. See also Zayn al-ʿĀbidīn, *Naqd*, pp. 1–9. The latter does not appear to be a radical Islamist, but his article is used to shore up the Islamic case against democracy by those who are.

52 al-Ḥasan, *ʿAn al-Shūrā*; al-Shinqīṭī, *Fitnat*, 199–232; Muḥammad, *Kayfa Yajmaʿu l-Shaykh al-Didū*, pp. 3–24.

53 al-Maqdisī, *al-Dīmuqrāṭīyya*, pp. 31f.; idem, *al-Jawāb*, p. 15; al-Sharīf, *Ḥaqīqat*, p. 42.

54 See also Shavit, “*Shura*,” pp. 354f., 358–62.

and rooted in the Qurʾān (Qurʾān 3:159, 42:38).⁵⁵ Besides these two verses and the early-Islamic consultation council set up by Caliph ʿUmar b. al-Khaṭṭāb (r. 634–644),⁵⁶ however, radical Islamists have very little to base their views on and, as a result, they present very little scriptural evidence. They nevertheless claim that *shūrā* is a system in which God is the source of power, unlike in a democracy, where the people are sovereign.⁵⁷ This becomes even clearer in rulings derived from a *shūrā*, which must be based on *ijtihād* (independent interpretation) that only pertains to those issues not mentioned directly in the sources. This means that democratic freedoms such as those mentioned above will never occur in a system run through a true *shūrā* council since the latter’s rulings may not contradict the *sharīʿa*.⁵⁸ Moreover, the “un-Islamic” equality found in democracy cannot occur in a *shūrā* since the latter is made up not of ordinary people of varying faiths, sexes and levels of knowledge, but only of male Muslim scholars often referred to as “the people who loosen and bind” (*ahl al-ḥall wa-l-ʿaql*).⁵⁹ These aspects, radical Islamists maintain, make *shūrā* crucially different from democracy and mixing between the two is, in the words of one scholar, “[like] mixing *īmān* (faith) and *kufʿ*”.⁶⁰

3 Takfīr of Democrats: Legitimization and Differentiation

Takfīr of democracy is very widespread among radical Islamists. Excommunicating a system, however, is quite different from applying *takfīr* to the people supporting it: democrats. This is where actual persons have to be labelled *kuffār*—either individually or collectively—and, although there is still broad agreement about the legitimacy of doing so, this is also where slight differences between radical Islamist scholars become apparent.

3.1 Parliamentary Participation

As the treatment of radical Islamists’ views of democracy made clear, God’s sovereignty and Islamic legislation are extremely important to radical scholars

55 al-Maqdisī, *Duʿāt*, p. 6; al-Shinqīṭī, *Fitnat*, p. 201; al-Ṭartūsī, *Hukm*, p. 78.

56 C.E. Bosworth, “*Shūrā*,” *Encyclopaedia of Islam*. New Edition, Vol. 9, pp. 504f.

57 al-Maqdisī, *Duʿāt*, pp. 6f.; Ṣādiq, *al-Dīmuqrāṭīyya*, p. 6; Sharīf, *Ḥaqīqat*, pp. 42f.; al-Shinqīṭī, *Kayfa*, pp. 6f.; al-Ṭartūsī, *Hukm*, p. 78.

58 al-Maqdisī, *al-Dīmuqrāṭīyya*, p. 3; Ṣādiq, *al-Dīmuqrāṭīyya*, p. 6; al-Ṭartūsī, *Hukm*, pp. 78f.

59 Ṣādiq, *al-Dīmuqrāṭīyya*, p. 6; Sharīf, *Ḥaqīqat*, p. 43; al-Shinqīṭī, *Kayfa*, pp. 7–24; al-Shinqīṭī, *Fitnat*, p. 201; al-Ṭartūsī, *Hukm*, pp. 69, 78f.

60 al-Shinqīṭī, *Islāmiyyūn*, p. 3.

and the absence of either is considered a justification for applying *takfīr*. Although many reasons are given for rejecting parliamentary participation,⁶¹ the realisation among radical Islamists that members of parliament must conform to “un-Islamic” legislation and, to make matters worse, can even introduce bills that violate Islamic law, leads them to condemn parliamentary work.⁶² Radical scholars therefore have little respect for the arguments used by moderate Islamist members of parliament to legitimise their jobs.⁶³ One of these is that parliament may serve as a platform for missionary activities (*daʿwa*) or as a road towards gradual implementation of Islamic law. Radical Islamists dismiss these arguments, pointing out that parliamentary “un-Islamic” legislation is such a grave violation of *tawhīd* that it would be rather strange to assume that engaging in it—even if this is done for the purpose of *daʿwa*—can benefit Islam.⁶⁴ Moreover, Islamist members of parliament become embroiled in the democratic system, disabling them to speak their minds and condemn *kufīr* legislation.⁶⁵ It is precisely this engagement in sinful legislation—even if it may ultimately lead to an Islamic state—that makes radical Islamists reject a gradual parliamentary approach.⁶⁶ Besides, one radical scholar points out, “Islamists have participated in a large number of parliaments for more than sixty years in many Islamic countries” trying to implement the *sharīʿa* but “have failed in all of that and have achieved nothing”.⁶⁷

Likewise, radical Islamists also reject any parallels drawn between contemporary Islamist democrats and episodes from what they consider to be the history of Islam. Most prominent among these is the story of Yūsuf (Joseph), who, Islamic tradition holds, worked for the polytheistic Pharaoh in Egypt and saved many people from starvation by storing grain and selling it.⁶⁸ The suggestion that Yūsuf’s actions justify working under an “infidel” ruler are dismissed by radical scholars. They argue that, unlike democrats, Yūsuf never abandoned *tawhīd* but rejected polytheism (*shirk*).⁶⁹ This was partly because of the fact that Yūsuf never engaged in legislation but was primarily responsible for

61 See al-Ṭarṭūsī, *Hukm*, pp. 310–52 for a detailed overview.

62 al-Ṭarṭūsī, *Hukm*, pp. 311–18.

63 See also Lahoud, *Jihadis*, pp. 173–78, for a discussion of al-Maqdisī’s rebuttal of these arguments.

64 al-Maqdisī, *al-Dīmuqrāṭiyya*, pp. 42–47.

65 al-ʿĀmilī, *al-Dīmuqrāṭiyya*, pp. 4f.

66 al-Shinqīṭī, *Tahāfut*, p. 35.

67 al-Shinqīṭī, *Fitnat*, pp. 294f.

68 See Qurʾān 12:1–101, especially 43–101.

69 al-Maqdisī, *al-Dīmuqrāṭiyya*, pp. 17f.; al-Shinqīṭī, *Fitnat*, pp. 271–73, 274f.; al-Ṭarṭūsī, *Hukm*, pp. 367–69, 382, 384.

storing grain, which was part of the executive branch of government, not the legislative one, a distinction that underlines how important legislation is to radical Islamists and to which we will return later.⁷⁰ His important executive position in Egypt also insured, as Qur'ān 12:54–56 makes clear and as radical Islamists maintain, that Yūsuf was quite free to act as he wished, unlike today's democrats, who must conform to "un-Islamic" laws.⁷¹ Moreover, Yūsuf saved many people by his actions and, because of his allegedly unique and God-given abilities, was the only one who could do so.⁷²

An example similar to that of Yūsuf is the Negus (al-Najāshī), the non-Muslim king of Ethiopia under whose rule the Prophet Muḥammad and the early Muslims lived for some time and who was looked upon favourably by the Prophet. Radical Islamists deny that his example justifies accepting a non-Muslim ruler because, unlike democrats nowadays, the Negus was the supreme ruler in his land and had no human authority higher than himself with whose rules he had to comply.⁷³ Moreover, radical scholars state, the Negus actually became a Muslim.⁷⁴ If moderate Islamists claim that the Negus did not apply Islamic law properly despite the fact that he converted to Islam and that Muḥammad continued to accept his rule, thereby justifying (partly) "un-Islamic" government, radical Islamists reject this once again. Firstly, they contend that there is no evidence that the Negus did anything that Muḥammad rejected.⁷⁵ Secondly, they point out that the Negus lived and ruled before the supposed revelation of Qur'ān 3:5 ("Today I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam for your religion."), indicating that he did not know the entire message of Islam, which means that he could not possibly have applied it in full. This is obviously different from the situation democrats face today.⁷⁶ In any case, radical scholars claim, the Negus helped the Muslims and expressed his correct beliefs in many ways, which they claim cannot be said of modern-day rulers.⁷⁷

70 al-Maqdisī, *al-Dīmuqrāṭiyya*, p. 18; al-Shinqīṭī, *Fitnat*, pp. 277f.

71 al-Maqdisī, *al-Dīmuqrāṭiyya*, pp. 18–21; al-Shinqīṭī, *Fitnat*, pp. 273f.; al-Ṭarṭūsī, *Hukm*, pp. 380f., 384.

72 al-Shinqīṭī, *Fitnat*, pp. 278f.; al-Ṭarṭūsī, *Hukm*, pp. 379f., 384.

73 al-Shinqīṭī, *Fitnat*, pp. 289f.; al-Ṭarṭūsī, *Hukm*, p. 388.

74 al-Shinqīṭī, *Fitnat*, pp. 285f.; al-Ṭarṭūsī, *Hukm*, p. 389.

75 al-Maqdisī, *al-Dīmuqrāṭiyya*, p. 27; al-Shinqīṭī, *Fitnat*, p. 282; al-Ṭarṭūsī, *Hukm*, p. 391.

76 al-Maqdisī, *al-Dīmuqrāṭiyya*, pp. 27f.; al-Shinqīṭī, *Fitnat*, pp. 283f.

77 al-Maqdisī, *al-Dīmuqrāṭiyya*, pp. 28f.; al-Shinqīṭī, *Fitnat*, pp. 284f., 286f.

Although these and other reasons⁷⁸ given by moderate Islamists to refrain from applying *taḳfīr* to present-day rulers and to argue in favour of parliamentary participation are dismissed by radical scholars, the latter do allow some work under “un-Islamic” rule. Abū Baṣīr al-Ṭarṭūsī states that as long as a government job does not in any way clash with the *sharīʿa* or sacred texts, does not involve aiding sinful acts or the people who perpetrate them and requires no “loyalty to the idol” (*muwālāt li-l-tāghūt*), it is allowed.⁷⁹ Al-Ṭarṭūsī’s Jordanian fellow radical scholar Abū Muḥammad al-Maqdisī states that “it is required of you (*tastalzimu minka*) to stay away from (*tahjura wa-taʿtazila*) any position or job (*waḏifa aw ʿamal*) on which [the ruling *kuffār*’s] falsehood is based or that helps them apply their laws or aids them on the basis [of these laws].”⁸⁰ Al-Maqdisī lists a number of state-related jobs that are not allowed, such as serving in the police force and the army and working as an ambassador, a judge or—importantly—as a member of parliament.⁸¹ On the other hand, he also points out that jobs not involving the sinful practices pointed out above are allowed.⁸²

While it seems that al-Ṭarṭūsī and al-Maqdisī concur on this issue, there is actually some disagreement between them about this. Al-Maqdisī states that *tawḥīd* can be separated into a core (*aṣl al-tawḥīd*) and its details or branches (*tafāṣīl al-tawḥīd* or *furūʿ al-tawḥīd*). The former is part of an inborn nature (*fiṭra*) that includes the belief in one God, while the latter is not. From this al-Maqdisī concludes that sins against the *aṣl al-tawḥīd* are necessarily conscious violations of God’s unity and therefore justify the application of *taḳfīr* to the person guilty of this, a conclusion he does not draw regarding violations of the *furūʿ al-tawḥīd*.⁸³ Since radical Islamists, as we saw earlier, associate consciously ruling on the basis of “un-Islamic laws” or willingly following them with worship of other gods, *kufīr* legislation can also be seen as a violation of the most basic form of God’s unity, the *aṣl al-tawḥīd*, which is exactly

78 One historical analogy that is often mentioned is the pre-Islamic pact that Muḥammad entered into when he was young, the so-called *ḥilf al-fuḍūl*. Since the Prophet later spoke highly of this alliance, it has been suggested that this means things beneficial to Islam can be done outside the boundaries of Islamic law. Radical scholars dismiss this, however. See al-Maqdisī, *al-Dīmuqrāṭiyya*, pp. 38–41; al-Ṭarṭūsī, *Ḥukm*, pp. 392–98. See al-Ṭarṭūsī, *Ḥukm*, pp. 398–416 for a longer list of possible reasons to enter parliament and their rebuttals.

79 al-Ṭarṭūsī, *Ḥukm*, pp. 359–62.

80 al-Maqdisī, *Kashf al-niqāb*, p. 113.

81 al-Maqdisī, *Kashf al-niqāb*, pp. 115–133.

82 al-Maqdisī, *Kashf al-niqāb*, pp. 134–136.

83 al-Maqdisī, *al-Nukat*, pp. 10–12.

what al-Maqdisī does, leading him to apply *takfīr* to democrats.⁸⁴ Al-Ṭarṭūsī, however, urges al-Maqdisī to be careful with applying *takfīr* to democrats since this would also mean excommunicating pious Islamists such as Abū l-Aʿlā Mawdūdī, Ḥasan al-Bannā and ‘Alī b. Ḥāj.⁸⁵ Yet al-Ṭarṭūsī himself, apart from misrepresenting al-Maqdisī’s points of view—the latter explicitly does not apply *takfīr* to men such as ‘Alī b. Ḥāj,⁸⁶ for example—joins al-Maqdisī and others in applying *takfīr* to those members of parliament who actually engage in making and applying “man-made laws”.⁸⁷

3.2 Electoral Participation

As we saw above, radical Islamists’ ubiquitous application of *takfīr* to democracy as a system—which necessarily involves the people’s rule and “man-made” legislation—was softened somewhat when looked at with regard to the excommunication of members of parliament, since the latter may possibly reject democracy and “un-Islamic” laws too. This is even more the case with participation in elections, whose candidates are not involved in legislation at all. It is therefore not surprising that some radical Islamists are (even) less willing to apply *takfīr* to electoral participation than to parliamentary work.

Electoral participation obviously often involves political parties (*aḥzāb*, sing. *ḥizb*). These are rejected by radical Islamists writing about democracy for several reasons, including that they divide the Muslim community (*umma*). “People are commanded to set up the religion of God (*yuqīmū dīn Allāh*) and to unite on the basis of that (*yajtamiʿū ʿalayhi*), not to become divided,” the Kuwaiti radical scholar Ḥāmid al-ʿAlī states in response to a question about pluralism.⁸⁸ Citing Qurʾānic verses such as Qurʾān 30:31–32 (“be not of the idolaters, even of those who have divided up their religion, and become sects, each several party rejoicing in what is theirs”), it is stated that Islamist parties will only lead to disunity, Islamic infighting and more concern for party interests than for those of

84 al-Maqdisī, *Kashf Shubhāt al-Mujādilīn*, pp. 34, 37.

85 al-Ṭarṭūsī, *Taṣwībātunā*, pp. 3–5.

86 al-Maqdisī, *Majmūʿ*, pp. 96f., see also pp. 81f. Al-Maqdisī’s point is that democracy and parliamentary work usually involve legislation, which he considers *kufīr*. It is the latter that causes him to apply *takfīr*, not parliamentary work as such. There is a genuine disagreement underlying this discussion, however, about to what extent ignorance (*jahl*) can excuse an act of *kufīr*. For more on this, see Wagemakers, “An Inquiry into Ignorance”.

87 al-Atharī, *Fatwā l-Shaykh al-Wādīʿī*, p. 6; *Ḥukm al-Mushāraka*, pp. 2–5; idem, *al-Ishrāqa*, pp. 29–32; idem, *al-Jawāb*, pp. 20–23; idem, *Majmūʿ*, pp. 118f.; al-Ṭarṭūsī, *Hādhihi*, p. 8; idem, *Ḥukm*, p. 352.

88 al-ʿAlī, *Ḥukm al-Taʿaddudiyya*, p. 2.

Islam.⁸⁹ The argument that Qurʾān 3:104 (“Let there be one nation (*umma*) of you, calling to good, and bidding to honour (*ya’muru bi-l-ma’rūf*) and forbidding dishonour (*yanhawna ‘an al-munkar*); those are the prosperers”) actually calls for establishing Islamist parties is dismissed. Not only does this verse not refer to parties in any way, one radical scholar states, but it actually calls for unity, as do the verses immediately before and after it (Qurʾān 3:103, 105).⁹⁰ Such pluralism is therefore condemned as *kufṛ*⁹¹ and Islamist organisations engaged in party politics, such as the Muslim Brotherhood in Egypt and the Palestinian Ḥamās,⁹² are condemned for their actions and beliefs.⁹³

Despite such a clear rejection of party politics, radical Islamists do not condemn collective action on the basis of Islam as such. It can be legitimate as long as it is necessary, based on the correct form of Islam and its sources, is pious and leads to *jihād*, does not lead to the formation of a new party, concerns all Muslims and deals with them as equals.⁹⁴ This creates an opening for electoral participation, as long as it happens on those conditions. It is, however, sometimes difficult to disentangle *tafkīr* for running in elections from excommunication for parliamentary participation in the writings of radical Islamists since they often—rightly—assume that the former will probably lead to the latter. Their reason for condemning elections seems to be tied to the *kufṛ* of engaging in “man-made” legislation and the other arguments against democracy we saw above, not to elections as such.⁹⁵

That elections are not illegitimate per se has become particularly clear since the 2011 Middle Eastern revolts known as the Arab Spring opened up the way for genuine presidential elections in, for instance, Egypt. When Ḥāzīm Abū Ismāʿīl, an Egyptian Salafī candidate, decided to campaign in the presidential elections of his country, the radical Islamist scholar Abū Baṣīr al-Ṭarṭūsī decided to endorse his candidacy.⁹⁶ Al-Ṭarṭūsī justifies this remarkable decision by stating that, while he rejects democracy “as a creed (*ʿaqīda*), a religion (*dīn*) and a philosophy (*falsafa*)”, he does not reject its instruments and means, such as elections, voting and the change of power, as long as it happens within

89 al-Ṭarṭūsī, *Ḥukm*, pp. 139–56.

90 al-Ṭarṭūsī, *Ḥukm*, pp. 157f., 163–65.

91 al-ʿAlī, *Ḥukm*, p. 11.

92 al-Ṭarṭūsī, *Ḥukm*, pp. 82–85.

93 Radical Islamists have been extremely critical of Ḥamās and the Muslim Brotherhood in recent years and have written much more than can be named here. For a discussion of some of these writings, see Lahoud, *Jihadis*, pp. 163–170, for instance.

94 al-Ṭarṭūsī, *Ḥukm*, pp. 191–209.

95 See, e.g., al-Maqdisī, *Ḥukm*, pp. 2–5; idem, *al-Ishrāqa*, pp. 29–32; idem, *al-Jawāb*, pp. 20–23.

96 al-Ṭarṭūsī, *al-Mawqif*.

the limits set by Islam.⁹⁷ Moreover, he also points out that, since the executive power of a state does not involve creating new legislation, the people could be in charge of executive positions such as that of the presidency.⁹⁸ Apparently believing that Abū Ismā'īl will not violate Islam, he therefore sees no objection to endorsing him. Although this decision led some to question his judgement,⁹⁹ such criticism seems to stem more from being ill at ease with the idea that fair elections for executive positions after the Arab Spring can actually be legitimate, than from any real religious objections since earlier reasons for using *takfīr* against democracy or democrats simply do not seem to apply here.¹⁰⁰

4 Democracy in Practice: *Takfīr* of the People?

If *takfīr* can be applied to democracy as a system and to those members of parliament who consciously endorse it, but apparently not always to candidates running for election, where does this leave the voters? In this final section, I will look at two different countries that have experienced democracy, showing that the context in which this system is applied is quite important in determining to what extent *takfīr* is applied to those engaged in democracy, particularly voters.

4.1 *Jordan: Confined Takfīr*

Unlike many other countries in the Middle East, Jordan has given its citizens the chance to participate in relatively free parliamentary elections since the 1950s. Although the Jordanian opposition has sometimes been co-opted or repressed,¹⁰¹ elections were suspended for about twenty years after 1967 and the whole process of democratisation has been criticised,¹⁰² regular parliamentary elections have resumed after 1989, meaning that the country has at least a semblance of a democratic tradition. Moreover, moderate Islamists—primarily the Muslim Brotherhood—have long enjoyed relatively good ties

97 al-Ṭarṭūsī, *Ḥattā Yakūna l-Tamthīl*, pp. 10f. For a more detailed discussion of the document in which al-Ṭarṭūsī explains his position, see Hazan, "Salafi-Jihadi Cleric Abu Basir al-Tartusi".

98 al-Ṭarṭūsī, *Malḥūzāt*, p. 2.

99 al-Shinqīṭī, *Mā Ta'līqukum 'alā Kalām al-Shaykh Abī Baṣīr*.

100 For more on how al-Ṭarṭūsī's position fits in with his earlier beliefs, see Wagemakers, "Between Purity and Pragmatism?".

101 Dieterich, "The Weakness of the Ruled".

102 Milton-Edwards, "Façade Democracy"; Rath, "The Process of Democratization"; Robinson, "Defensive Democratization".

with the Jordanian regime¹⁰³ and the Islamist, Brotherhood-affiliated Islamic Action Front (IAF) has been allowed to run in elections since it was founded in 1992.¹⁰⁴ While Islamist parliamentary experiences in Jordan were sometimes hampered by the regime's measures to curb their influence¹⁰⁵ and remain confined to what the king allows, there has never been an armed conflict between them and the regime and the Jordanian Muslim Brotherhood has been spared the mass arrests and even massacres that their Egyptian and Syrian brethren suffered under their respective regimes.

This context of the state of democracy in Jordan is relevant because it indicates that *takfīr* of ordinary voters in elections would accuse thousands of people of apostasy for engaging in a practice that has long roots in society, has broad backing from moderate Islamists and has been devoid of violence. Generalised *takfīr* of Jordanian voters would thus probably be strongly rejected by the population as a whole and condemned as extreme and perhaps even as un-Islamic. This realisation appears to be present in the writings of the chief critic of Jordanian democratisation, the aforementioned Abū Muḥammad al-Maqdisī, the most prominent radical scholar in Jordan. As may be expected, al-Maqdisī condemns the Jordanian system for giving power to the people instead of to God, for relying on “man-made” laws¹⁰⁶ and for the “un-Islamic” freedom and equality the Jordanian constitution provides in ways similar to what we saw above.¹⁰⁷ With regard to being employed in government-related jobs or working for regime officials, al-Maqdisī advises Jordanians that *takfīr* of people doing this depends on the situation and should be decided on the basis of what the work involves. If it entails engaging in or supporting *kufīr* practices, such jobs should be rejected and its people excommunicated. Not all government-related jobs are necessarily so sinful that they amount to *kufīr*, however, although al-Maqdisī does advise people to stay away from them.¹⁰⁸

Al-Maqdisī's approach towards working in Jordanian government jobs is similar to his views on *takfīr* of voters. He clearly applies *takfīr* to those voters who are aware that a legislator is actually a “lord” (*rabbān*) who rules on the

103 Boulby, *Muslim*.

104 Schwedler, *Faith*.

105 Amawi, “The 1993 Election,” pp. 15–17; Charillon and Mouftard, “Jordanie,” pp. 45f.; Schwedler, “Paradox,” p. 28.

106 al-Maqdisī, *al-Jawāb*, pp. 2–13; idem, *Mukhtaṣar “Kashf al-Niqāb ‘an Sharī‘at al-Ghāb,”* pp. 3–6.

107 al-Maqdisī, *Mukhtaṣar*, pp. 6–22.

108 al-Maqdisī, *Ḥusn al-Rifā‘a*, pp. 9–13.

basis of “infidel legislation” (*al-tashrīʿ al-kufrī*).¹⁰⁹ This suggests that he does not apply *takfīr* to all voters, which is indeed the case. He states that

We do not excommunicate the people in general (*ʿumūm al-nās*) who participate in elections, since most of them are not seeking legislating lords (*arbāban musharriʿīn*) through their participation in them. On the contrary, among them are those who intend to choose representatives (*nuwwāban*) for [obtaining] services related to mundane and subsistence matters (*khidmāt al-dunyawiyya wa-l-maʿīshiyya*).¹¹⁰

Al-Maqdisī states that the reason for refraining from general *takfīr* of voters is that providing such services—not “un-Islamic” legislation—is on the minds of “many ordinary people (*kathīr min al-ʿawāmm*) who elect their family members (*aqāribahum*) or acquaintances (*maʿārifahum*) for that [purpose]”, which does not justify *takfīr*.¹¹¹ He is careful to point out, however, that he does not excuse such voters for their supposed ignorance (*jahl*) of grave violations of *tawhīd* like *kufr* legislation—which, as we saw above, he believes cannot be excused because they go against people’s very nature. Instead, al-Maqdisī claims, people are ignorant of what goes on in parliaments and are guilty of unintentionally (*intifāʿ al-qashd*) electing legislators by mistake (*khaṭʾ*). Quoting Qurʾān 2:286 (“Our Lord, take us not to task if we forget, or make a mistake”), al-Maqdisī claims that ignorance of politics or mistaken judgements will not be held against people by God and are therefore obstacles to applying *takfīr*.¹¹²

Given the relatively long tradition of elections in Jordan, the Islamist participation in them and the absence of violence that could push views about the regime and its supporters to extremes, it is possible that the specific Jordanian context caused al-Maqdisī to be somewhat careful in applying *takfīr* to voters. It is interesting to consider whether al-Maqdisī would have held the same views if he had lived in Algeria in the 1990s. There, an election was cancelled after it had been won by Islamists, ultimately causing a civil war that not only led to thousands of deaths but also to increasingly widely applied *takfīr* by radical Islamists to people who sometimes had no ties to the regime at all.¹¹³

109 al-Maqdisī, *Hukm*, p. 5; idem, *al-Jawāb*, pp. 23f.; idem, *al-Ishrāqa*, pp. 32f.

110 al-Maqdisī, *Hādhihi ʿAqīdatunā*, p. 26.

111 al-Maqdisī, *Hukm*, p. 7; idem, *al-Jawāb*, p. 26; idem, *al-Ishrāqa*, p. 35.

112 al-Maqdisī, *Hukm*, pp. 7–8; idem, *al-Jawāb*, pp. 26–28; idem, *al-Ishrāqa*, pp. 35–37.

113 Hafez, “From Marginalization to Massacres,” pp. 37–60, esp. pp. 48–53; idem, *Why Muslims Rebel*, pp. 164–72.

Al-Maqdisi has spoken out against such broad applications of *takfir*,¹¹⁴ suggesting that he would indeed have said the same in a different context. Still, the Jordanian context will at least have made him pause to consider what the implications of his use of *takfir* could be and may therefore have made him more careful to point out that excommunication should not go any further than what the sources—in his view—allow.

4.2 *Iraq: Unbridled Takfir*

While Jordan has a decades-old tradition of elections, Iraq, having been ruled by several dictators for much of its post-colonial history, has not. This changed after the American-led invasion of the country in 2003, when parliamentary elections were organised. The democratisation of Iraq and the Middle East was given as a reason for the invasion by the American administration of then President George W. Bush and the elections themselves were held under American military occupation. Moreover, given the Shiite majority in Iraq, the important position of prime minister as well as most seats in parliament were eventually taken by Shiite politicians, who had long been suppressed by the former (Sunni) dictator Saddam Hussein.

This context is again important to assess the application of *takfir* to voters in the Iraqi elections. The overthrow of the old regime created a power vacuum and, subsequently, chaos and widespread violence, partly caused by radical Islamists. The latter came from different countries to fight the new order and to set up an Islamic caliphate in its stead and founded organisations such as Al-Qā'ida in Iraq, Jaysh Anṣār al-Sunna and the Islamic Army in Iraq (al-Jaysh al-Islāmī fi l-'Irāq).¹¹⁵ Their leaders, as many like-minded Islamists did before them, apply *takfir* to democracy for giving power and the right to legislate to the people instead of to God,¹¹⁶ for allowing the majority to decide instead of just doing what is right¹¹⁷ and for providing rights and freedoms not allowed

¹¹⁴ See, for example, al-Maqdisi, *al-Risāla al-Thalāthīniyya*.

¹¹⁵ For more on these groups, see Hafez, *Suicide Bombers in Iraq*; International Crisis Group, *In Their Own Words*.

¹¹⁶ Jaysh Anṣār al-Sunna, *al-Intikhābāt*, p. 2; al-Jaysh al-Islāmī fi l-'Irāq, *al-Mawqif*, pp. 2–4; al-Lajna al-Shar'iyya fi Tanzīm Qā'idat al-Jihād—Bilād al-Rāfidayn, *al-Dīmuqrāṭiyya*, pp. 1f., 4–6; al-Salmān, *al-Dīmuqrāṭiyya*, p. 2; Tanzīm Qā'idat al-Jihād fi Bilād al-Rāfidayn, *Iqāmat al-Dalīl*, pp. 1–7; idem, *Talqīn al-Muwaḥḥidīn*, p. 3; al-Zarqāwī, *al-Dīmuqrāṭiyya*, pp. 5f. See also radical scholars not based in Iraq, such as al-Sayf, *Risāla ilā Mujāhidī l-'Irāq*, p. 3; al-Ṭarṭūsī, *Kalīma*, pp. 1–5, 12.

¹¹⁷ al-Jaysh al-Islāmī fi l-'Irāq, *al-Mawqif*, p. 3; al-Lajna, *al-Dīmuqrāṭiyya*, p. 3; al-Salmān, *al-Dīmuqrāṭiyya*, p. 2; Tanzīm, *Talqīn*, p. 2; al-Zarqāwī, *al-Dīmuqrāṭiyya*, p. 9. See also al-Sayf, *Risāla*, p. 5.

in Islam¹¹⁸ and they also reject seeing democracy as *shūrā*.¹¹⁹ As we saw earlier, radical Islamists in general (unfavourably) associate democracy with the West, but this seems to be particularly the case in Iraq, which is not surprising given America’s stated aim to spread democracy there. Moreover, radical Islamists also link democracy in Iraq with the new Shiite rulers, whose religious doctrines are widely and vehemently rejected by Salafis.¹²⁰ It is therefore not surprising that the government in Iraq is regularly described by radical Islamists as being led by “Crusaders” and “Rāfiḍa” (a derogatory term for Shiites)¹²¹ and that the new course the country is following is framed as “the American/‘Alqamī project”.¹²²

Radical Islamists in Iraq were thus not only confronted with democratisation as such but also with the fact that the people who seemingly wanted this most—the US and Shiites—were their greatest political and religious enemies, who were, moreover, coming after them with all the military means at their disposal. It was therefore of the utmost importance for radical Islamists to stop the new political order in its tracks and convince people to reject it while the situation was still in flux. Such a context may well be conducive to more radical and more broadly applied forms of *takfīr*, similar to what happened in Algeria in the 1990s. If we look at how radical Islamists in Iraq after 2003 write about voters, it seems that this is indeed the case. Some communiqués issued by radical organisations in Iraq implicitly link *takfīr* of voters to the condition that they have to support “man-made” laws in order for excommunication to be justified. One communiqué by Al-Qā’ida in Iraq points out that “queuing for elections (*fa-l-wuqūf bi-tābūr al-intikhābāt*) [...] and being satisfied with the polytheism of modern legislation (*al-riḍā bi-shirk al-tashrī‘ al-mu‘āṣir*) is unbelief that expels from Islam (*kufṛ mukhrij min al-Islām*)”.¹²³ Others simply assume—unlike al-Maqdisī in Jordan, for example—that voters know that they are engaging in electing legislators. One communiqué, for instance, applies *takfīr* to voters because “they know that the person they will elect

118 al-Lajna, *al-Dīmuqrāṭiyya*, p. 3; al-Salmān, *al-Dīmuqrāṭiyya*, p. 3; al-Zarqāwī, *al-Dīmuqrāṭiyya*, pp. 6–8.

119 Tanẓīm, *Talqīn*, p. 1.

120 For more on radical Islamists’s views on Shiites, see Haykel, “Jihadis and the Shi‘a,” pp. 202–23; Steinberg, “Jihadi-Salafism and the Shi‘is”.

121 Jaysh Anṣār al-Sunna, *al-Mawqif*, p. 2. Tanẓīm, *Talqīn*, p. 3; al-Ṭarṭūsī, *Kalima*, pp. 8–9; al-Zarqāwī, *al-Dīmuqrāṭiyya*, p. 3.

122 Al-Hay’a al-Shar‘iyya bi-Tanẓīm al-Qā’ida fi Bilād al-Rāfiḍayn, *Marākiz*, p. 1. Ibn al-‘Alqamī is said to have been a Shiite who betrayed the ‘Abbasids to the Mongols in the 13th century.

123 Tanẓīm, *Iqāmat*, p. 7.

is going to rule them on the basis of *ṭāghūtī* infidel man-made laws”.¹²⁴ Still others do not make any mention of support for *kufīr* legislation as a condition for *takfīr*, suggesting that all voters might be excommunicated.¹²⁵

Despite radical Islamists’ differences in application of *takfīr* to voters in Iraqi elections, it is doubtful whether these will actually matter in the end since several of the radical groups call for jihad against the Americans and their Shiite “helpers” as an alternative to democracy.¹²⁶ It is unlikely that nuances count for much in an all-out war which, given the huge numbers of armed attacks in Iraq in the past (particularly during elections), may actually have materialised as planned. Some, however, go even further and back up their *takfīr* of voters with actual calls to wage jihad on democrats. Muslims need to “wage jihad on the democratic armies of the *ṭāghūt*, be they from among the Crusaders or from among their apostate democratic agents (*‘umalā’ihim al-dīmuqrāṭiyyīn al-murtaddīn*)”, says one.¹²⁷ Another states that believers should focus on “killing every *ṭāghūt*, demolishing all the idols of the unbelievers (*taḥṭīm kull awthān al-kuffār*) from nationalist associations (*jam’iyya waṭaniyya*), parliamentary councils (*majālis barlamāniyya*) or polytheistic voting centres (*marākiz intikhābiyya shirkīyya*)”.¹²⁸ Such statements leave little doubt about radicals’ views on democrats, including voters. In fact, despite the relative diversity in the application of *takfīr* among radical Islamists, the concept’s use in Iraq confirms the stereotype of excommunication as the prerogative of reckless and extremist terrorists.

5 Conclusion

In this article, we have seen that *takfīr* is widely applied to democracy because the latter has the people—not God—as the source of power and legislation, is based on the will of the majority even if they are entirely wrong and provides people with freedoms deemed sinful from an Islamic point of view. Moreover,

124 Jaysh Anṣār al-Sunna, *al-Intikhābāt*, p. 2. Interestingly, the author of this communiqué is actually referring to elections for president—an executive job—which suggests that scholars such as al-Ṭarṭūsī may not have agreed with this verdict. See also Tanẓīm Qā’idat al-Jihād fi Bilād al-Rāfidayn, *Mushāraḥatuka fi l-Intikhābāt*, pp. 1f.

125 al-Lajna al-Shar’iyya li-Tanẓīm Qā’idat al-Jihād fi Bilād al-Rāfidayn, *Nahr al-Kufūr*, 1–4.

126 al-Hay’a al-Shar’iyya li-l-Tanẓīm al-Qā’ida fi Bilād al-Rāfidayn, *Ḥukm al-Istiftā’*, p. 4; idem, *Marākiz*, p. 3; Jaysh Anṣār al-Sunna, *al-Intikhābāt*, p. 3; idem, *al-Mawqif*, pp. 2–3; Tanẓīm, *Mushāraḥatuka*, p. 3.

127 al-Sayf, *Risāla*, p. 2.

128 al-‘Irāqī, *al-Dustūr*, p. 4.

radical Islamists reject any connection between *shūrā* on the one hand and democracy on the other. This blanket ban on democracy is softened slightly regarding democrats by limiting it to people who are actually engaged in or consciously supportive of "man-made" legislation and the other *kufr* practices democracy entails. The examples of Jordan and Iraq, moreover, show that *takfir* is applied in a narrower way in the former country, which has a long tradition of elections being peacefully contested by Islamists, than in the latter, where democracy was newly imported through a Western invasion and brought many Shiites to power, who are widely despised by radical Islamists.

These different arguments, the care with which they are sometimes expressed, the differences between radical Islamists on this issue and the extent to which the context seems to be important in shaping their views may cause some to hope that radical Islamists will one day embrace democracy. Perhaps they will. Suggestions in that direction, such as the acceptance of elections for executive position by some, should not obscure, however, that ideology does indeed seem to play a major role here and that decades of radical thought in the context of oppressive dictatorships and intrusive Western powers, will not fade away quickly. It therefore seems likely that radical Islamists will continue to subject "the *kāfir* religion of the West" to *takfir* for years to come.

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On the *takfīr* of Arab Women's Rights Advocates in Recent Times

Roswitha Badry

1 Initial Remarks: *Takfīr* and the Gender Aspect

The Arab world has witnessed an increasing number of *takfīr* campaigns and trials over the past decades. The accusations of apostasy, blasphemy, or unbelief—overlapping offences in Islamic doctrine—have mainly been instigated by an Islamist lobby and coincided with their demand for the codification and implementation of Islamic Law (*sharīʿa*). Their favourite targets have been open- and secular-minded intellectuals, university professors as well as journalists, writers, artists, bloggers, and feminists,¹ on the basis of their published works and statements. The attacks formed part of an effort to silence those intellectuals suspicious to them who dare to speak out against the imposition of the politically motivated Islamist agenda and are deemed dangerous because of their ideas for a radical transformation of the socio-political system.

The cases of the Sudanese reformer Maḥmūd Muḥammad Ṭāhā (b. 1909 or 1911; executed in 1985), the Anglo-Indian novelist Salman Rushdie (b. 1947), and the Egyptian scholar Naṣr Ḥamīd Abū Zayd (b. 1943; d. 2010), for instance, are well documented due to extensive research.² Campaigns and trials against

1 I use the words feminists and women's rights activists as synonyms, although I am well aware that not every woman activist, including the protagonists mentioned here, would like to be identified with the label feminist—either for pragmatic or ideological reasons—as it carries negative connotations (cf. Al-Ali, *Secularism*, pp. 4f.; Karam, “Political-Social Movements,” p. 583). Feminist (and feminism), understood in a broad sense, refers to the consciousness that women are discriminated in many ways. This awareness leads to thinking, behaving, and acting in a way that contradicts the social mainstream norms, defies patriarchal order and resists oppression and subjugation, with the aim of promoting a better society for both men and women (cf. for the Arab States, Karam, “Political-Social Movements,” pp. 583f.; cf. in general, Lenz, “Frauenbewegungen”).

2 On Abū Zayd's case see, e.g., Bälz, “Submitting Faith”; Berger, “Apostasy and Public Policy”. On Ṭāhā's trial cf. references given by A. Oevermann, “Ṭāhā, Maḥmūd Muḥammad,” *The Encyclopedia of Islam*. New Edition, vol. 10, pp. 96f. On Rushdie cf. Mehdi Mozaffari, “Rushdie Affair,” *The Oxford Encyclopedia of the Islamic World*, vol. 4, pp. 443–445. For further

prominent women's rights advocates have also attracted some media attention but have rarely been examined in greater detail. The articles by Nancy Gallagher (1995, 2005) or Susanne Olsson (2008) are among the few exceptions. This common gender imbalance in academic research notwithstanding, the mere fact that both men and women were confronted with charges of *kufīr* raises the important question as to whether sex and gender are relevant factors in the verbal and written attacks and if so, to what extent. My argument is that *takfīr*, as it is embedded in other dominant discourses in contemporary times, is not gender-neutral—at least insofar as it concerns the polemics and populist (or popular) reproaches in Arab media including Internet, blogs, etc. In this sense, it is striking that the female activists are often portrayed (both in words and pictures) as being in absolute opposite of the traditionalist, conservative ideal image of a woman: they are maligned as aggressive, furious, striving for fame, as notorious critics, obsessed with sex and gender, as westernized 'devils', or even as 'whores' and shameful representatives of their gender and nation. To substantiate my argument, I have chosen three examples to be analysed and compared. As a result, this article should only be viewed as a first step towards integrating the gender perspective into the research on *takfīr*, and it might motivate further studies on non-conformist, uncompromising, free-spirited and self-assured women as targets of *takfīr* assaults in the modern as well as the pre-modern era.

2 Biographical Sketch of the Selected Women's Rights Advocates

The following short biographies will serve to illustrate the fact that these outspoken advocates of free speech, essential domestic reforms and gender equality share many similarities in their visions of a better society, though differing in their respective family backgrounds, careers and fame and in the attacks they experienced on their persons, writings and activities for allegedly transgressing religious (or rather social) norms.

I start with the first Muslim woman who had to face an apostasy case in contemporary Islam in 1989, namely Tūjān al-Fayṣal, born in 1948 in Amman/Jordan, from a middle-class Circassian background, a mother of three children and now widowed.³ As the first woman elected to Jordan's Parliament, a former

references, see Snir, *Religion, Mysticism and Modern Arabic Literature*, Ch. 2.3, 2.4, or Badry, "Das Instrument der Verketzerung," p. 117, n. 1.

3 She was married to an Arab Jordanian, a medical doctor who had to close his clinic and leave for Libya for some years because of harassments of the couple by Islamists.—For

TV broadcaster, journalist, women's rights activist, and anti-corruption campaigner, she is a well-known but controversial public figure in the Hashemite Kingdom, often nicknamed the "iron lady" like Margaret Thatcher. After majoring in English literature in 1971 Fayṣal began her career with Jordan TV. Although she had no journalistic experience when she started and may have been chosen rather for her attractive appearance, she managed to become a prominent TV moderator. Even before 1989, the committed reporter had raised the ire of conservatives on a number of occasions for activities and programs on sensitive issues, such as child abuse (1984) and violence against women (1988). When her projected program on abuses of polygyny was rejected, she resigned from TV (early 1989). The *takfir* case against her was launched during the November 1989 parliamentary elections, just after she had announced her nomination as the most prominent among the twelve female candidates and had published a critical article in *al-Ra'y*, a government-owned newspaper with wide circulation, on the Islamists' discourse, entitled "They Insult (Curse) Us . . . and We Elect Them" (*yushtimūnanā . . . wa-nantakhibuhum*).⁴ In 1993 Tūjān al-Fayṣal succeeded in getting elected to Parliament—despite being attacked once again by Islamists for alleged apostasy. In 1997, however, she failed to gain a seat in the *majlis* (like all the other female candidates)—probably as a result of vote-rigging and promotion of a governmental candidate in the same district, as she and others suggested.⁵ In 2002 Fayṣal and other journalists became the victims of the new restrictive Press Law, promulgated in October 2001 as part

details on Tūjān al-Fayṣal's biography, see Al-Atiyat, *Women's Movement*, pp. 71, 136–143, 161; Brand, *Women*, pp. 145–149; Gallagher, "Women's Human Rights," pp. 215f.; al-'Alī, "Tūjān Fayṣal"; and Fayṣal's interview with the journal *Anti* (17/06/2008) [http://www.anti.jo/index.php?view=article&id=189%3A2009-01-06-09-41-57&option=com_content&Itemid=53] (07/04/2011), and with the *Arab Reform Initiative* (27/10/2010), "Toujan Faisal, the First Women to be Elected to the Jordanian Parliament".

- 4 See Gallagher's English translation of this article in the Appendix to Afkhami (ed.), *Faith and Freedom*, pp. 232–237). To give an impression of her outspokenness, the following passages should suffice (p. 233): "It goes without saying that holding an argument with these people [i.e. Islamists] is futile because their twisted logic will only lead us to byzantine arguments." And (pp. 234f.) "That someone claims his opinion is the only plausible one and his judgement is the only one that should be applied—not because of his superiority in rational debate but because he claims that everything he says enjoys divine support and all his opponents are atheists—heralds ideological dictatorship . . . These dictatorships give themselves the right to practice oppression and terrorism—to the extent of physical liquidation—against all their opponents. . . . This is also what is implied by the use of the term 'apostate' and that immunity should be given to anybody who sheds the apostate's blood . . ."
- 5 Cf. her interview with the journal *Anti* in 2008 and al-'Alī, "Tūjān al-Fayṣal".

of the "Anti-Terrorist" laws following the '9/11 events'. The reason that she was sentenced to eighteen months in jail was that she wrote an open letter to the King⁶ in which she accused Jordanian officials, particularly the prime minister, of corruption—an act considered as 'undermining the reputation of the state and its officials'. After her hunger strike and protests by local as well as international civil rights groups she was granted private amnesty by a Royal Decree. As this pardon did not annul the conviction, she was banned from running in further parliamentary elections. However, her accusations against the government had definitely struck a raw nerve, and may have motivated the 2011 protest movement in Jordan to focus also on the issue of widespread corruption in the country.

The second example, Nawāl al-Sa'dāwī, has long been a controversial figure, not only in Egypt. As Fedwa Malti-Douglas remarked in her 1995 monograph on Sa'dāwī's literary corpus, "No Arab woman inspires as much emotion as Nawal El Saadawi. No woman in the Middle East has been the subject of more polemic. . . . Yet in the Middle East her books have gone into multiple editions in their Arabic originals, and in the West she has become a household word in feminist circles."⁷ Born in Cairo in 1931, the Egyptian physician, psychiatrist, writer and feminist who was a visiting professor at several universities outside Egypt, above all in United States, has published almost fifty works of fiction and non-fiction, including essays, novels, plays, short stories, and autobiographical texts; several of her books have been translated into more than forty languages. In 1964 she married the medical doctor, socialist, activist and writer Sharīf Ḥitāta, her third husband.⁸ She is the mother of one daughter

6 See "Risālat Tūjān Fayṣal ilā malik al-Urdunn"; on the consequences of this article see the information given in her interview with the journal *Anti*; BBC News 28-06-2002, "Hunger-strike dissident vows to fight on"; "(Toujan Al-Faisal) 'I will not be silenced'", and "A sad day for freedom of expression": "While in prison, she was accused of 'religious slander' for allegedly 'cursing the faithful'." For later articles by Tūjān al-Fayṣal, in which she criticized corruption, injustice, and exploitation of religion for political gain, etc., see, for instance, "Akḥṭar maqāl li-Tūjān Fayṣal: ṣaddiq aw lā tuṣaddiq!"; "Tūjān Fayṣal tattahimu l-islāmiyyīn fī l-Urdunn bi-tasyīs al-dīn al-islāmī"; "Tūjān: hunāk ra'y anna raf' al-adhān laysa ḡarūra"; "Fatāwā al-salāṭīn".

7 Malti-Douglas, *Men, Women, and God(s)*, p. 1.—For a critical assessment of the different reception of Sa'dāwī's works in Western and Arab contexts, see Amireh, "Framing Nawal El Saadawi". For more details on her life and work, see Malti-Douglas, *Men, Women, and God(s)*, pp. 10–19 and *passim*; Cooke, *Women Claim Islam*, pp. 75–80; Zeidan, *Arab Women Novelists*, pp. 158–163, 163–165.

8 In July 2010 the couple separated but, as he says, they are still good friends. See Shawqī, "Sharīf Ḥitāta".

(from her first marriage) and one son (with Ḥitāta). Her website⁹ is dedicated “To the women and men who choose to pay the price and be free rather than continue to pay the price of slavery”—a motto that stands for her own life as well as that of her late father.¹⁰ Her writings have angered both political and religious authorities in Egypt, and her unyielding demands for women’s rights have mobilized women throughout the Middle East and North Africa (MENA). As a result, she has not only had to face denunciations, polemics and smear campaigns, but she has also experienced the loss of her job as director-general of public health in the Ministry of Health following the publication of “Women and Sex” (*al-Mar’a wa-l-jins*) in 1971.¹¹ There followed imprisonment (1981),¹² the banning of her books and of the women’s organization founded and presided over by her (1991),¹³ death threats,¹⁴ exile (1993–96), and, as from 2001, a flurry of court cases. Nevertheless, she has continued her fight against all forms of discrimination based on class, gender, nationality, race or religion. Her gender-conscious pen focuses on unmasking the multiple faces of patriarchy—religious, social, and political—and on showing that they have existed and still exist in the East as in the West. Her writings deal with sensitive, controversial issues in a frank and sometimes essentialist manner, such as sexual¹⁵ and domestic violence, religious fundamentalism, ‘neo-liberal’ capitalism and authoritarian government. Three works in particular, two novels and one play, have aroused the rage of religious groups and brought about accusations of apostasy and heresy because of the author’s criticism of patriarchal tradition common to all monotheist religions: (1) “The Fall of the Imam” (*Suqūṭ*

9 Cf. [<http://www.nawalsaadawi.net/>] (08/10/2011)—also for an updated list of her publications, incl. translated works, activities, awards, cases against her, etc. The second, smaller part of the website is (still, July 2012) reserved for Sharīf Ḥitāta (Hetata).

10 Cf. El Saadawi, *Walking*, pp. 188–190 (in the context of the divorce from her second husband).

11 On the importance of this book for the new trend in Egyptian as well as Arab feminism, see Al-Ali, *Secularism*, pp. 76f.—Despite critical remarks coming from a younger generation of Egyptian women activists on Sa’dāwī’s activism, there was hardly anyone among the interview partners of Al-Ali who did not acknowledge Sa’dāwī’s “courage, her influence on several generations and her pioneering role” (p. 77).

12 Because of their opposition to the Camp David Accords, in 1981, just a month before his assassination, Sadat jailed intellectuals and activists from all political trends—leftists as well as Islamists.

13 On the banning of the Arab Women’s Solidarity Association (AWSA), see Al-Ali, *Secularism*, pp. 77, n. 22, 79, and Malti-Douglas, *Men, Women, and God(s)*, p. 11.

14 El Saadawi, *Walking*, pp. 2, 16 (her name figured on so-called “death-lists”).

15 See, in particular, her campaigns against FGM.

al-Imām, Cairo 1987; Engl. trans. London 1988), a novel "that ridicules the collusion of politics and religion in patriarchal power";¹⁶ (2) "The Innocence of the Devil" (*Jannāt wa-Iblīs*, Beirut 1992; Engl. trans. Berkeley 1994),¹⁷ and (3) "God Resigns in the Summit Meeting" (*Istiḳālat Allāh fī jtimā' al-qimma*, play, published in Cairo in 1996, and in 2007 in a collection of her works; Engl. trans. 2009).¹⁸ In 2001 there was a first unsuccessful attempt to force her to divorce. In January 2007 she and her daughter Munā Ḥilmī (Mona Helmy) were accused of apostasy and interrogated by the General Prosecutor in Cairo. Munā Ḥilmī (b. 1956) is herself a feminist and writer of essays in print media, poetry, and short stories.¹⁹ Mother and daughter won the case in May 2008, and Sa'dāwī's website proudly notes, "Their efforts led to a new law of the child [sic] in Egypt in 2008, giving children born outside marriage the right to carry the name of the mother." Two cases were raised by a fundamentalist lawyer, Samīr Ṣabrī, because of the above-mentioned play but these further efforts to strip Sa'dāwī of her nationality and to ban all her books were dismissed by the court. At the age of 80, Sa'dāwī participated with her fellow Egyptians in the protests against Mubarak's regime. Already in September 2009, she had helped to found the Egyptian chapter of the Global Solidarity for Secular Society, and in March 2011 she assisted in coordinating the re-establishment of the Egyptian Women's Union.²⁰ Freedom to express herself and her thoughts are more important to her than high rank and salary, she says in one of her autobiographical writings.²¹ The same principle is upheld by Tūjān al-Fayṣal

16 See Malti-Douglas, *Men, Women, and God(s)*, p. 95 (for the quotation), pp. 91–117 (for an analysis of the novel).

17 For an analysis of this novel see Malti-Douglas, *Men, Women, and God(s)*, pp. 118–140; Cooke, *Women Claim Islam*, pp. 76–80.

18 All three works were translated by S. Hetata.

19 For a list of her publications see her biography <http://www.arabworldbooks.com/authors/mona_helmy.htm> (06/10/2011). Cf. also the remarks of her mother in *Walking*, pp. 66, 68.

20 On the more recent events (since 2007), see, apart from Sa'dāwī's website: "Egypt: Prominent feminist Nawal Al Saadawi leaves Egypt"; Whyatt, "Silenced Voices," pp. 120–123; Khaleeli, "Nawal El Saadawi"; "Women's groups re[-]launch Egyptian Feminist Union"; "Rābiṭat al-mar'a al-'arabiyya"; "Nawal al-Saadawi at 80". The new EFU has only maintained the name of the original organization, founded by Hudā al-Sha'rāwī (d. 1947) in 1923; it has been restructured and reformed and is now an alliance of a great number of NGOs and women's groups and constituted as a non-profit, non-governmental organization with different agenda and staff members. Newly selected chairperson is Dr. Hudā Badrān.

21 See the extract quoted in Donohue/Tramontini (eds.), *Crosshatching*, vol. 2, p. 970.

and by the third person discussed here: the novelist and short story writer Laylā al-‘Uthmān.

Laylā al-‘Uthmān, who was born in Kuwait in 1945,²² was married twice and is a mother of six (two sons and four daughters)²³ and grandmother of five. Her first husband, a Palestinian physician, was much older than she was and died in 1974; her second husband, the Palestinian author and publisher Walid Abū Bakr, was forced to leave Kuwait in 1992 because of the intensified Kuwaiti resentment and acts of violence and discrimination against Palestinians after the country’s liberation from Iraqi occupation (1991). Before he left, the couple divorced.²⁴ ‘Uthmān is probably the best-known female prize-winning novelist and short story writer of Kuwait if not the whole Arabian Gulf region. A number of her writings, now thirteen short-story collections, six novels, four autobiographical texts, and two collections of poetry in total,²⁵ are seen as transgressing mainstream social norms and have therefore been banned in Kuwait.²⁶ In order to avoid censorship some of her books were published abroad. *Al-Raḥīl* (1979, “Departure”) and *Fī l-layl ta’tī al-‘uyūn* (“The Evil Spirits <Spies> Come at Night”, 1980) belong to her earliest collections of short stories—both were published for the first time in Beirut in 1979 and 1980, but distributed in Kuwait by official permission and later (1984) even republished in Kuwait. Nonetheless, they became the basis of two *takfīr* cases initiated against her; the first only led to an interrogation in 1996, but the second resulted in court proceedings (1999/2000). These early stories, and even more so her later writings, contain social criticism as they reveal the effects of patriarchal domination in discrimination, defamation and social isolation, not to mention both physical and psychological abuse. They expose double moral standards, women’s internalisation of patriarchal culture, forced marriage, domestic violence and class conflicts. Indeed, women and sexuality play a central role in her writings, and—regarding the latter—she uses quite explicit

22 Her year of birth is given as either 1945 (Tijani, *Male Domination*, pp. 29, 51; see also Rahmer, “Development,” p. 175), 1944 (Donohue/Tramontini, *Crosshatching*, vol. 2, p. 1147), or 1943 (Arabic version of Wikipedia [<http://ar.wikipedia.org/wiki/>] (06/07/2012).

23 Their names and professions are given in al-‘Uthmān, *Muḥākama*, pp. 65f.

24 al-‘Uthmān, *Muḥākama*, p. 206. See also pp. 27–30 where she remembers her second husband and how he became the target of unfounded suspicions which forced him to leave the country.

25 An updated list of her works, incl. translations and academic studies on her oeuvre is given on the Arabic edition of Wikipedia (cf. n. 22). The numbers are based on this information.

26 Cf. ‘Abd Allāh, “Laylā al-‘Uthmān”; Engl. trans. Abdallah, “Laila al-Othman”. The incriminated works include *Muḥākama* and *al-‘Uṣ‘uṣ*.

vocabulary though she avoids describing intimate encounters in detail.²⁷ The portrayal of her heroines and female protagonists has evolved during her career from often passive victims to active, rebellious individuals. In combining social realism with elements of the fantastical, the Kuwaiti author demonstrates how women are able to resist, subvert, and/or defy male social dominance and become self-assertive and self-determined. In doing so, she pinpoints to various patterns of subordination, subjugation and defeat, and by politicizing the private sphere she underlines her wish for women to be transformed into conscious and politically active beings.²⁸ In 2000 'Uthmān published her experiences between 1996 and 2000 in a book entitled "The Trial" (*al-Muḥākama*).²⁹ She dedicates the work to her four 'brothers in Islam' who brought the case against her, but prefaces her narrative with a well-known quotation on freedom of expression from the English poet and statesman John Milton who in 1644 said, "Give me liberty to know, to utter, and to argue freely according to conscience, above all liberties."³⁰ As in her provocative novel *al-Uṣṣuṣ* ("The [Root of the] Tail"), published in the same year in Damascus, in *al-Muḥākama* 'Uthmān employs the technique of de-concentration in Derridean terms,³¹ in other words, she does not focus on the points that appear to be the most

27 In contrast to recent trends in Arab women literature, she rejects those female novelists "who just dump the market with sexual writing, seeking fame"—a genre, which is not, as she adds in her interview with *al-Akḥbār*, "her goal in life"; see, for a similar statement on Saudi novelists, Al-Rasheed, "Economies of Desire, Fictive Sexual Uprisings".—On sexual urges and desire as key elements in human life in selected works of Laylā al-'Uthmān, see Michalak-Pikulska, "Urge and Desire".

28 For a detailed literary (and gender) analysis of some of her writings, see Tijani (*Male Domination*, pp. 50–61, 63–81), Rahmer ("Development"), several works by Michalak-Pikulska, referred to in "Urge and Desire", and Khamīs, "Laylā al-'Uthmān".

29 The first edition is subtitled "Maqṭa' min sīrat al-wāqī'" ("A Glimpse of Reality"; cf. the same subtitle of her *Yawmīyāt al-ṣabr wa-l-murr*, "Diary of patience and bitterness" on the Iraqi invasion), the Beirut edition I am using here has a more dramatic cover page (a strangulated female figure) and is subtitled *Riwāya*. See also the advertisement by the book's publisher with notes on the background and the content of the book "Muḥākamat Laylā al-'Uthmān . . . al-Ittihām wa-l-difā' . . . wa-l-natīja!!!!" [http://www.bab.com/aticles/full_article.cfm?id=3457] (18/07/2011).—In an interview in July 2005 (al-Ghazālī, "Laylā al-'Uthmān") the novelist said that in the end she was "happy about the trial because it inspired her to new creative writing."

30 See Jenkinson, "From Milton to Media".—One year earlier 'Uthmān had published *Bī-lā quyūd da'ūnī atakallam* ("Without restrictions let me speak", Kuwait 1999).

31 See the analysis and interpretation of *al-Uṣṣuṣ* presented by Ben Driss, "Women Narrating the Gulf," pp. 153–160, esp. pp. 158–169 for the "technique of de-concentration" à la Jacques Derrida and for the connotations of *al-Uṣṣuṣ*.

‘important’ or ‘crucial’ which are here the interrogation and trial. They make up hardly one third of the 320 pages in small format. She turns rather to the seemingly ‘secondary, eccentric, lateral, marginal’ such as worries of daily life, minor problems and what is said in small talk. Through flashbacks she recalls her youth, the strict, cold atmosphere of her parental home and how literature and writing became her sole refuge; she remembers her friends, husbands and children as well as the Iraqi invasion and reflects on life and death. She describes her dreams and visions³² and how she mobilized the support of her friends and the media during the *takfīr* procedure. In this sense, the narrative is a cleverly arranged mixture of genuine facts and fiction, of the tragic and the comic, of humour and parody, which she presents as subtly subversive strategies of transgression. At the same time, she never puts the blame on the state’s authorities but on the *mutazammitūn*,³³ the rigorists, and backward individuals and groups who are “just busy with terrorizing other people”,³⁴ on those who are against progressive women and men and oppose women’s human rights.

3 Contextualization—The Historical, Socio-Political Background

3.1 General Remarks

It goes without saying that the inflation of *takfīr* campaigns and lawsuits has to be seen in the broader context of the rise of fundamentalism and the increased polarization between secular and religious forces which are, respectively, advocates of international human rights and cultural relativism.³⁵ This confrontation is the result of the challenges brought about by the effects of rapid modernization and contemporary globalization and above all by the social dislocation following rigorous structural adjustments to ‘turbo-capitalism’. These challenges produced two processes—a self-asserting (“self-reinforcing”) process and the self-defensive reactions of those who were or

32 In a “wonderful dream” (*Muḥākama*, pp. 147–152) she imagines to see the Prophet giving glad tidings (she will get a baby called *Nūr*) and she is not asked to put the veil.

33 For this term see *Muḥākama*, in the description of the book on the reverse book cover, in the text p. 142 and *passim*.

34 ‘Uthmān, *Muḥākama*, p. 44, see also pp. 45, 72 (“These groups push their noses and beards into everything . . . they want us [women] to be slaves and to control us”) and p. 92.

35 On the respective positions on human rights, see Badry, “Zwischen Selbstbehauptung und Selbstverteidigung”.

are in fear of losing ground.³⁶ The competition over distribution of power and wealth led to rising public and private violence on the one hand and official and popular campaigns to identify and punish 'scapegoats' on the other. As a rule the scapegoats are women, minorities, and other vulnerable sections or segments of society. Both the chaotic violence and the populist campaigns are common effects and strategies to resist further erosion of an already insecure position. At the same time, the regimes have pursued the usual divide-and-rule strategies, i.e. fragmentation and control of the main competitive social forces, while wavering between the promotion of so-called "moderate" Islamists and Traditionalists and a containment policy towards them as soon as the balance of power is threatened. The women's movement can serve as an example. Women in the MENA region have made great strides with respect to education and integration into the workforce in the past decades: in Jordan, Egypt and Kuwait there is a relatively high percentage of members of the 'new middle class' who are vocal and active, demanding and striving for greater participation in social and political life as equal citizens. As a result of several UN-conferences on women (especially 1995 in Beijing) and increased networking with international organizations, a number of women's groups have become more outspoken on issues that are still largely considered social taboos, such as domestic violence, homosexuality, gender equality, gender mainstreaming, and women's empowerment.³⁷ The governments, simultaneously under pressure from politico-religious groups to strengthen Islamic law and from local and international voices advocating human rights and liberalization, have replied with their double strategy of sticks and carrots. To the mushrooming of NGOs the regimes have reacted with the establishment of 'Governmental NGOs' (GONGOS) or 'Royal NGOs' (RONGOS)³⁸ and legal restrictions for civil associations of all kinds. Further demands were seemingly taken up, but diluted through reservations with reference to *shari'a*. This happened, for instance, with the "Convention on the Elimination of All Forms of Discrimination Against Women", CEDAW, which each of the states mentioned has signed and ratified. Alternatively they co-opted 'loyal', amenable women as 'place holders', or manipulated elections and suppressed autonomous

36 On these processes see Tétreault, "Kuwait," pp. 235f. (referring to Karl Polanyi). Cf. also Doumato/Pripstein Posusney, "Introduction," pp. 3–11.

37 Cf. Karam, "Political-Social Movements," p. 585 (for the Arab world), and, in general, Lenz, "Frauenbewegungen," pp. 868–872.

38 With respect to Jordan, see Brand, "Jordan," pp. 164f. (GONGOS as an "embryonic Hashemite state feminism"); Badry, "Norms, Gender, and Political Representation," p. 210.

movements.³⁹ It seems as if the authorities have taken Hisham Sharabi's prediction on the conditions of possible radical democratic change seriously. In his famous book on the macro- and micro-mechanisms of *Neopatriarchy*, published in 1988, Sharabi wrote that of all civil organizations, such as professional associations, trade unions and other autonomous organizations, "potentially the most revolutionary is the women's movement." He expected that, even in the short term, the women's movement might have the capacity to "explode neo-patriarchal society from within", adding: "If allowed to grow and come into its own, it will become the permanent shield against patriarchal regression, the cornerstone of future modernity."⁴⁰ In the meantime, Nawāl al-Sa'dāwī seems to be right: "There is only one religion and one culture. It is Capitalist Patriarchy," and "There is a backlash against feminism all over the world today because of the revival of religions."⁴¹

3.2 *Remarks on the Specific Contexts*

With regard to the specific context of the court cases against Fayṣal and 'Uthmān we have to keep in mind that in 1989 and as from 1999 respectively, there was still a heated debate going on in Jordan and Kuwait on the issue of women's suffrage, opposed (overwhelmingly) by Islamist and traditional factions, favoured (more or less) by liberal-secular sections. Even after the enfranchisement of women the counter-force did, as it turned out, find ways to hinder women's success in elections.

In Jordan women were granted the full right to vote in 1974 by royal decree,⁴² but as the Parliament was dissolved in the same year, their first chance to participate in Parliamentary elections only came in November 1989—following the 'bread riots' in April of that year. In the above-mentioned newspaper article by Fayṣal at the outset of her electoral campaign, the author criticized the Islamists' and traditionalists' arguments against women's political rights—mainly based on the famous *ḥadīth* on the so-called deficiencies of women in particular and on the complementary gender discourse in general. In plain English: her article was not meant to be a criticism of religion; it was instead a powerful condemnation of the politicization of Islam by various fundamentalist groups which had spread since the mid-1980s. Moreover, her article came

39 For details see Badry, "Globalization and Women's (Political) Rights".

40 Sharabi, *Neopatriarchy*, p. 154.

41 Nawāl al-Sa'dāwī as cited in "Egypt: An interview and audience" for the first quotation, and in Khaleeli, "Nawal El Saadawi", for the second.

42 See Al-Atiyat, *Women's Movement*, p. 59; Gallagher, "Women's Human Rights," p. 212f.; Badry, "Norms, Gender, and Political Representation," p. 211.

in response to a two-month campaign waged in the national media by some Islamic fundamentalists who claimed women should not be permitted to run for office on the grounds that they were not “mentally competent”. After the famous journalist had announced her candidacy, the mufti of the armed forces, Nūḥ al-Quḍāt—who seems to have been the driving force behind the later apostasy case, perhaps acting on behalf of certain wealthy elites, as Fayṣal believes⁴³—sent a Circassian army officer, one of her classmates at university, to convince her by implicit death threats that she had better withdraw from standing as a candidate in the elections. But Fayṣal ignored these and following warnings.

In Kuwait, women's suffrage has been a hotly contested issue since the early 1970s when it appeared for the first time on the agenda of women's rights activists.⁴⁴ Whereas the Constitution of 1962, suspended twice by the rulers (1976–1981, 1986–1992), declared equal rights for all citizens without distinction of gender, etc., the election law promulgated in the same year limited suffrage to Kuwaiti men. The elite's traditional power base and a series of political calculations were mainly responsible for this steady rejection of women's suffrage. The women's request for equal suffrage rights was voted down by the parliament once again in November 1999—although an *amiri* decree, which was promulgated upon internal and external pressure in the summer of the same year, had allowed women to vote and run for office. Enfranchisement of women was finally to be achieved in 2005. The first four women entered the *Majlis* in 2009, despite *fatwās* issued by the Salafite faction against women's suffrage.⁴⁵

43 (Shaykh) Nūḥ (ʿAlī Salmān) al-Quḍāt (1939–2010), who had studied in Jordan, Damascus, Cairo (al-Azhar) and Saudi Arabia, would later become ‘chief justice’ (*qāḍī l-quḍāt*) and ‘chief mufti’ of the Kingdom. On his biography, see the obituary “al-Shaykh Nūḥ al-Quḍāt muftī al-mamlaka”. On another apostasy case launched by Nūḥ al-Quḍāt in 2008, this time against a poet, cf. *Arab Times* 27/09/2009 [http://www.arabtimes.com/portal/news_display.cfm?Action=&Preview=No&nid=2066&a=1] (10/07/2012).—On Fayṣal's assumptions cf. Brand, *Women*, pp. 147f., cf. p. 146; Gallagher, “Women's Human Rights,” pp. 216, 222, 224.

44 On the debate in Kuwait, the Emir's decree, and the various political factions, see Manea, *The Arab States*, esp. pp. 138–146 on the restrictions for women in the family law; Al-Mughni/Tétreault, “Citizenship,” pp. 237, 239f., 244; Tétreault, “Kuwait,” pp. 217, 223–225, 228, 233, and *passim*; Shultziner/Tétreault, “Paradoxes,” pp. 9, 12, 18. For a brief survey of the rise of the feminist movement in Kuwait, see Tijani, *Male Domination*, pp. 23–26. On the Islamists see also Kristianasen, “We don't want to box Islam in”.

45 For references, see Badry, “Globalization,” p. 75, n. 45.

In February 2012 no woman was elected.⁴⁶ The *amiri* decree of 1999 can be seen as part of a temporary shift in the government towards policies designed to curtail the power of the Islamists, who had been promoted since the late 1970s by the Kuwaiti monarchy in order to weaken the country's liberal democratic opposition. In parliament the growing prominence of Islamists and 'tribalists', both conservative concerning their gender perceptions, began in 1981, and the Iraqi invasion and occupation had increased the antagonism between the two groups. The Islamists' decreasing influence among the political elite and among the population as a whole seems to have pushed some Islamists to extreme public behaviour. 'Scapegoating' and demonizing the socio-political enemies by dragging them into court on charges of blasphemy or immorality was one tool and 'Uthmān's case in 1999/2000 coincided with two others launched against liberal-minded persons, whom she calls her 'dear friends' in *al-Muḥākama*:⁴⁷ Dr. Aḥmad al-Baghdādī, an expert in Islamic Law and History and then-chair of Kuwait University's Political Science Department, and Dr. 'Āliya Shu'ayb (b. 1964), a professor of philosophy (ethics) at the same university and a creative writer (poems, short stories).

In Egypt also, the *Takfīr* campaigns and cases can be seen as the long-time effect of a gradual Islamization of society from the 1970s onwards and the wavering governmental policies towards 'moderate' Islamists. In the 1990s, when their influence in state institutions was about to shrink, several Islamist lawyers filed lawsuits against secularists and liberals using the so-called *ḥisba* regulation of public morality.⁴⁸ Originally this ruling allowed any Muslim to sue another for beliefs that may harm society, but because of abuses (especially in Abū Zayd's case) it had been amended "to combat intellectual terrorism" (*al-irhāb al-fikrī*) and "to protect intellectuals". Therefore, since 1996, a private citizen has had to request the state prosecutor to file a suit. As the

46 See Al-Shibeeb, "Why did Kuwaiti women fare so poorly in the elections?". Unlike the 2009 election, the Kuwaiti "Islamist-led opposition won a landslide majority in the polls." In May 2012 Islamist MPs approved an amendment to the Penal Code that stipulates the death sentence "for anyone who insults God, Prophet Mohammad (ﷺ) or his relatives" (Toumi, "Kuwait parliament"). However, in June 2012 the elections were declared invalid by the Constitutional Court, as the dissolution of the Parliament in December 2011 by the Emir was unconstitutional.

47 See 'Uthmān, *Muḥākama*, p. 173 (Baghdādī) and pp. 44, 60f. (Shu'ayb), for instance.

48 On *Ḥisba* cases, and the relevant factors in detail (judiciary, Azhar, Islamists, public policy, emergency laws, restrictions in the Press Law 93/1995, in the Penal Code and other legislation), see Bälz, "Submitting Faith," pp. 139–142, 143–145; Berger, "Apostasy in Public Policy," pp. 720–740; Johansen, "Apostasy"; Olsson, "Apostasy in Egypt," pp. 98–100, 103; and the references given in the following note.

case of Sa'dāwī and several later cases against persons who allegedly "insulted Islam"⁴⁹ show, this modification did not stop accusation of *kufir* being used as a tool to silence opponents and several *fatwās* deal with the so-called "intellectual apostasy". One *fatwā* issued by the well-known media-mufti Yūsuf al-Qaradāwī,⁵⁰ for example, discusses 'how intellectual apostates sneak into the minds of people through the media, popular books and legislation.' In his view, they are even more dangerous than open apostates and he disqualifies them as 'professional criminals' and 'hypocrites whose abode will be in the lowest level of the Hell-Fire.'⁵¹ Other *fatwās* may instead call it a sin to brand someone a *kāfir* without legal justification, but the 'Front of Al-Azhar' has increased its offensive against secularists and liberals and is responsible for many book bans and accusations of apostasy.

4 The Cases

4.1 'Prelude' to the Court Cases

As indicated above and as each of the three women activists report, there was always a 'prelude' to the court cases. They were exposed to attacks, intimidations, and threats before they were taken to court. Other victims of *takfir* campaigns tell us similar stories, even if they were not sued in the end.⁵² Together with the lawsuits, these coercive strategies can be identified as methods of 'psychological terrorism.'⁵³

The preparatory stages to legal proceedings included defamation campaigns in various media. These dismissed the affected persons' work in their activities and writings, sullied their reputation and distorted their public image.⁵⁴ Then there were anonymous phone calls⁵⁵ and mail messages from unknown

49 Examples are mentioned, for instance, in following online articles: Human Rights Watch, "VI: Non State Attacks on Academic Freedom"; Shea, "Insulting Islam".

50 On his influence cf., for example, the volume edited by Gräf/Skovgaard-Petersen, *Global Mufti*.

51 Qaradāwī as quoted in Olsson, "Apostasy in Egypt," p. 103.

52 Cf. the case of the Tunisian professor Salwā al-Sharafī, attacked by Islamists in 2006/2007 for defending gender equality in her lectures and publications. In the interview with *Magharebia* she names other professors who have also become targets of Islamists ("Ḥiwār"). See also the examples listed by Gallagher, "Apostasy: Overview," p. 7.

53 Cf. Shultziner/Tétreault, "Paradoxes," p. 15 ('psychological terrorism' inflicted on Kuwaiti women by Islamist extremists).

54 See, for instance, El Saadawi, *Walking*, p. 20.

55 'Uthmān, *Muḥākama*, p. 142.

persons insulting and threatening them. One of them is quoted to have said to Sa'dāwī: "You are a heretic, an enemy of Islam, an instrument of the Devil. . . . The slogan of your immoral association [i.e. AWSA], 'unveiling of the mind' [!], is heresy. . . . The veil is sacred and you are inciting women to disobey Allah. Women like you deserve only death."⁵⁶ Moreover, unexpected visitors came to their home with the same intent.⁵⁷ And sometimes they became the subject of *fatwās* and Friday sermons in mosques, where *shaykhs* incited the congregation against the authors in particular or "intellectual apostasy" in general.⁵⁸ Another tactic, as reported in Fayṣal's case, is also mentioned in 'Uthmān's 'fact-fiction-novel' and this is the manipulation of friends or even close relatives to convince the accused person that she should stop her activities.⁵⁹

4.2 *The Individual Trials*

Before starting on the account of the trials it is worth mentioning that up to the time the respective cases were launched neither Jordan nor Egypt or Kuwait had an apostasy law but restrictions on the individual's freedom of expression, guaranteed by the countries' constitution, were specified by further laws. Vaguely worded offences in Civil Law, Personal Statute Law, Penal Law, or others are open to abuse and provide judges with a wide scope for interpretation. That the governments only reluctantly intervened sometimes indicates that they had no real interest in eradicating legal loopholes.

Fayṣal's case⁶⁰ started three weeks after the publication of her article in *al-Ra'y* newspaper and after several warnings and threats as referred to above. In October 1989 she received a subpoena to appear before the South Amman Islamic Court on the 17th of the same month. The two plaintiffs were an assistant mufti and a private in the Jordanian army. That the filing of lawsuits was left to minor representatives of the politico-religious spectrum is a common trait in all the cases dealt with in this paper. Higher-ranking religious scholars as well as political authorities or famous propagators of the 'Islamic Path' usually stay in the background but are suspected of having a hand in the procedure. The plaintiff's lawyer accused Fayṣal of "apostasy, heresy, ridiculing the

56 As quoted in El Saadawi, *Walking*, p. 19.

57 See Gallagher, "Women's Human Rights," p. 216; El Saadawi, *Walking*, p. 20.

58 El Saadawi, *Walking*, p. 162.

59 'Uthmān, *al-Muḥakama*, pp. 101f., 142.

60 The information given is based on Gallagher, "Women's Human Rights," pp. 217–222 (the proceedings in detail), 223–228 (the supposed reasons of the apostasy case), and eadem, "Apostasy," p. 8; Brand, *Women*, pp. 145–149.

Qur'ān, the *ḥadīth*, and the *sharī'a*.”⁶¹ Despite warnings, he added, she had persisted in her unbelief. He asked the court ‘to declare her an apostate, to divorce her from her husband, to refuse her repentance, to ban her articles, to prevent the media from dealing with her, and to grant permission to spill her blood.’⁶² As it turned out the newspaper article was not the actual reason for the suit. It was rather the success of her electoral campaign that caused the Islamists to use this tool. To put it in the words of those who initiated the complaint, ‘People were beginning to listen to her misguided views on Islam because she was given a forum to air her views.’⁶³ The plaintiffs and the judge made use of other tactics that we will also notice in the following cases: misquoting the accused and postponing the court sessions and the final sentence. Fayṣal had “asked for four husbands for one woman”, the *wakīl* stated to the court. In fact, she had asked at various rallies rhetorically, ‘If men have four wives, why not women four husbands?’⁶⁴ As this was the first apostasy case in the history of the Jordanian judicial system the judge decided to set another session for the day after the election—a step that suggested his sympathy with the plaintiffs. Meanwhile, the Jordanian press and international media picked up the story and submitted petitions in favour of Fayṣal. In her response to the charges,⁶⁵ the ‘iron lady’ confirmed that she was a Muslim believing in one God and his prophet. This is why, she went on to argue, the opposing party had no grounds for their case according to Islam because only God could judge the sincerity of a person. Furthermore, she stated that they attacked her because she based her defence of women's rights on Islamic legal argumentation and therefore had threatened them in their own field. She also pointed to the contradiction between the Constitution and the Universal Declaration of Human Rights (UDHR) signed by Jordan on the one hand, and the family laws on the other. One day after the election,⁶⁶ which was a success for the Islamists, whereas

61 As quoted in Gallagher, “Women's Human Rights,” p. 218.

62 Quoted in Gallagher, “Women's Human Rights,” p. 218; eadem, “Apostasy,” p. 8, and Al-Atiyat, *Women's Movement*, p. 139.

63 As quoted in Brand, *Women*, p. 146.

64 Cited in Gallagher, “Women's Human Rights,” pp. 218, 219; Gallagher, “Apostasy,” p. 8.

65 In *Jordan Times* 30-10-1989, cf. also the statement by her husband, as mentioned by Gallagher, “Women's Human Rights,” p. 220 (p. 230, nn. 57–59).

66 For the chronology of events, see Gallagher, “Women's Human Rights,” p. 221. Unfortunately, the memoirs of Fayṣal are not yet published. In an interview (with *Anti*) she mentions that she began to write her memoirs in prison (2002) and that the manuscript is now in the hands of a foreign publisher who will release it after her death or re-arrest. Hence the diaries seem to be a ‘confidential matter’ for the time being, a kind of ‘security guaranty’ for her life, or a ‘brilliant invention’ for the same reason.

women failed to enter parliament, the judge suddenly discovered and ruled that the Islamic court did not have the competence to decide on al-Fayṣal's case. In January 1990, however, Fayṣal received another summons.⁶⁷ A court of appeal had agreed to hear the part of the case concerning the divorce from her husband because of her alleged apostasy. This time the female activist was accompanied by a large and vocal crowd of local and international activists who supported her at court. There she simply testified to her faith (*shahāda*) before the judge, again without revoking her views or excusing them. After the hearing the court declared her innocent of all charges (02/1999). It was speculated that the King had interfered in order to protect the image of the state and to limit the popularity of the Islamists.

The immediate cause of Sa'dāwī's case⁶⁸ was an interview published in the independent weekly magazine *al-Maydān* in early March 2001 which aroused the harsh criticism of several Islamists, and as a result, a lawyer asked the prosecutor-general to put her on trial. Even the Grand Mufti of Egypt, Naṣr Farīd Wāṣil, intervened with a letter to the magazine, in which he accused Sa'dāwī of being a heretic because of her critical remarks on widely accepted Islamic precepts, such as the veil, the pilgrimage and inheritance law. On the veil the accused had declared that it was not obligatory. On pilgrimage the female activist had pointed out that it was mixed with pagan practices. And finally on inheritance law she had, as a feminist, demanded equal rights for men and women in contrast to classical Islamic law and accepted practice but, as she argued, in harmony with changed circumstances. In fact, she had only repeated her well-known views on these issues. The magazine, however, quoted her in an abbreviated, distorted way. After the prosecutor-general had rejected an apostasy complaint against Sa'dāwī, the notorious, publicity-seeking lawyer Nabīh al-Waḥsh filed a separate lawsuit with the personal status court asking for the divorce of Sa'dāwī from her husband, also on grounds of apostasy. Sa'dāwī was able to rally massive local, regional as well as international support for her defence. At the very beginning of the campaign against her she had posted, for instance, a statement on her website, arguing that the case was an attempt to make scapegoats of two intellectuals (i.e. the couple) who had both been

67 See Gallagher, "Women's Human Rights," p. 222; eadem, "Apostasy," p. 8.

68 The following information is given based on Olsson, "Apostasy in Egypt," pp. 106–108; Gallagher, "Apostasy," p. 9; Abou El-Magd, "The price of freedom"; Lloyd-Davies, "No compromise"; Dawoud, "Cairo writer threatened with divorce". And diverse news (*inter alia* on the international petition launched in support of Sa'dāwī) available on [<http://www.wluml.org>], search "Egypt, Nawal El Saadawi." Cf. also the website of Sa'dāwī mentioned above.

active in the struggle for democracy and human rights.⁶⁹ She also referred to the Constitution and the UDHR, as Fayṣal had done before, and attacked *hisba* as unconstitutional.⁷⁰ After several postponements the court rejected the forcible divorce and ruled that no individual can petition a court to forcibly divorce another person. As Sa'dāwī mentions in one of her autobiographies, already as a village doctor in the mid-1950s when she had tried to keep a woman away from her violent husband, she was accused of having "exhibited a signal disrespect for the moral values and customs of our society and had incited women to rebel against the divine laws of Islam." This last recrimination, she continues, "became the accusation that was levelled against me whenever I wrote or did anything to defend the rights of women against the injustices widespread in society. . . ."⁷¹ Similar allegations were made against the Kuwaiti writer.

In December 1996, 'Uthmān was summoned and interrogated by the public prosecutor on charges of promoting moral corruption in society based on her two short-story collections published in 1979/80 and mentioned above.⁷² Islamists had charged her with blasphemy and apostasy for her depiction of sexual relations. As usual, they had picked isolated terms and passages as an indication for violation of the law, attack on the honour of the public and misrepresentation of the image of the mother. In sum, they accused 'Uthmān of ridiculing 'our' society, violating 'our' social customs and habits, morality and codes, of inciting the readers and the public to immoral or even 'abnormal' sexual practices, referring to wordings indicating homosexual relations, lesbian as well as gay, and details on illicit sex, sexual life, sexual urges and claimed she was jeopardizing public morals.⁷³ Her responses to the charges are given in detail in *al-Muḥākama*: she rejected the accusations as unjustified by saying that she had not known those condemning her before and that she had not, as they claimed, intended to invite the readers to sexual freedom or to standing against the law; she had got the necessary permission from the Printing and Publications Office to distribute both books, published first in Beirut, and later in Kuwait.⁷⁴ She referred to artistic freedom of expression, and said that

69 Cf. Sa'dāwī's remarks on her husband in El Saadawi, *Walking*, Chapter 13.

70 Also in her brief presidential campaign in 2005 she voted for the abolition of *hisba*.

71 El Saadawi, *Walking*, pp. 112f.

72 In *Muḥākama*, pp. 40–63, Laylā al-'Uthmān gives a detailed report on the summons.

73 'Uthmān, *Muḥākama*, p. 48.

74 See also a censored newspaper article by Laylā al-'Uthmān ("Yu'āqibūnānī 'alā qīṣaṣ muqarrara") in which she points to the fact that both incriminated books even found their entry into Kuwaiti secondary schools as textbooks.

the paragraphs mentioned had to be read in context, and that she only wanted to serve her country by mentioning social issues which she sees widespread in the region. "When we were starting to write in the 1960s/1970s," she added, "we were freer in writing. Nowadays the religious movement has taken control of Kuwaiti society. It is not acceptable that they control our thoughts."⁷⁵ After three hours of interrogation with always the same questions she noted that the Islamists "want to silence female voices because of the women's so-called '*awra*'—a term that signifies something shameful, defective, and imperfect, especially the genitals, being something that must be covered; it is one of the most central, provocative, and emotionally laden words in the Arabic gender discourse."⁷⁶ Finally, the case was closed. Three years later, however, the case was reopened (end of September 1999).⁷⁷ In "The Trial" 'Uthmān connects this incident with the 1999 Emir's decree on women's political rights⁷⁸ and with the cases against Aḥmad al-Baghdādī and 'Āliya Shu'ayb.⁷⁹ She also refers to the Constitution,⁸⁰ Article 36 on the freedom of expression, without, however, mentioning the restrictions indicated in this and the following Article 37 ('... in accordance with the conditions and procedures specified by law'⁸¹). These conditions and procedures are found in Kuwait's Printing and Publication Law (PPP 3/1961, amended in 07/2000) as well as in the Penal Code (PC 16/1960). Included are criminal punishments for "a large number of vaguely worded offenses, and provisions for prior censorship."⁸² To give just

75 'Uthmān, *Muḥākama*, p. 54; similar statements she made in the interviews referred to above.

76 Cf. Malti-Douglas, *Men, Women, and God(s)*, p. 27 (on the term), and 'Uthmān, *Muḥākama*, p. 60. Extremely conservative and Islamist circles, especially in Saudi Arabia and the Gulf region, often refer to the dictum, "*Ṣawt al-mar'a 'awra*," which inspired Egyptian feminists to spread the slogan, "women's voice is revolution, and men's silence is '*awra*/a shame." Cf. my article "Against All Odds—New Tendencies in Egyptian Feminism (2011–2013)," *Hemispheres* 29.3 (2014), pp. 5–25, here p. 15, n. 33.

77 'Uthmān, *Muḥākama*, pp. 85, 93.

78 'Uthmān, *Muḥākama*, pp. 90f., 191.

79 'Uthmān, *Muḥākama*, pp. 90f. See also short notices on all three cases in: Snir, *Religion, Mysticism and Modern Arabic Literature*, p. 55; Tétreault, "Kuwait," pp. 233f., 235; Al-Mughni/Tétreault, "Citizenship," pp. 254, 257; Human Rights Watch, "(Kuwait): VI. Restrictions" 6; and Human Rights Watch, "More Kuwaiti Writers Sentenced to Prison"; "Kuwait," pp. 6, 8. See also the following demand for reforms after the ruling of the court: "Taṣā'ud al-muṭālabāt bi-ta'dil qānūn al-maṭbū'āt".

80 'Uthmān, *Muḥākama*, p. 92.

81 As quoted in Human Rights Watch, "(Kuwait): VI. Restrictions," p. 1; see also "Kuwait," pp. 3f.

82 Human Rights Watch, "(Kuwait): VI. Restrictions," p. 1.

two examples of the cryptic formulations: (1) Prohibited are publications that violate "by allusion, slander, sarcasm, or disparagement God or the prophets or the companions of the prophet Muḥammad;" (2) "any publication that violates public morality or persons' dignity or personal freedom as well as any publication that reveals a secret that damages a person's reputation or wealth. . . ." ⁸³ As 'Uthmān's case illustrates, even when a sentence is eventually reduced or overturned on appeal, the threat of subsequent prosecutions for the same works is always present. On 26 March 2000 ⁸⁴ the Misdemeanours' Appeals Court found the author and her publisher Yaḥyā Rubay'ān to have violated Article 204 of the Penal Code (16/1960) and fined them KD 1,000 (US\$ 3,260) each for distributing al-'Uthmān's *al-Raḥīl* which was deemed "blasphemous" and "obscene". This verdict overturned a January 2000 court ruling sentencing both to two months in prison for writings that the court said "included expressions that offend God, and indecent and shameless expressions," but upheld the lower court's ruling that al-'Uthmān's book was immoral. ⁸⁵ Therefore, the book continued to be banned. Article 204 of the Penal Code actually sets a maximum punishment of three years imprisonment and/or a fine of up to KD 3,000 (US\$ 9,780), not only for "anyone who publicly incites in a public place to immoral acts and prostitution," but also for anyone who "prints or sells or distributes or exhibits . . . anything immoral." ⁸⁶ Although scientific and artistic works are exempted according to the same article, courts have repeatedly convicted authors of artistic and academic works of violating article 204, without making reference to this provision.

5 Concluding Remarks

The selected *takfīr* cases point to the convergent interests of religious, political, and judicial authorities in silencing voices opposing the exploitation of religion for political gain and demanding (implicitly or explicitly) a radical reform of the socio-political system. The lawsuits were obviously more political than religious in intent. Divorce or offences against Islam based on details in the

83 The articles are quoted in Human Rights Watch, "(Kuwait): VI. Restrictions," p. 3 (Art. 23, 26–PPP), p. 4 (PC); see also "Kuwait," pp. 4f. (PPP) and pp. 5f. (PC).

84 Cf. 'Uthmān, *Muḥākama*, p. 321. The author nowhere mentions the real amount of the fine.

85 Quoted in Human Rights Watch, "(Kuwait): VI. Restrictions," pp. 4–5; and in "Kuwait," p. 6.

86 As quoted in Human Rights Watch, "(Kuwait): VI. Restrictions," p. 4; and in "Kuwait," pp. 5f.

incriminated works of the accused were not the real concern of the plaintiffs. It was rather part of the propaganda for an "Islamic state".

With their writings and/or activities the three activists discussed—all of them free, independent, uncompromising, self-confident and courageous women—challenged the *status quo*. Their potentially galvanizing influence as public figures made them both dangerous and easy scapegoats. The campaigns and lawsuits against them were intended to damage their image, to intimidate and terrify them. However, none of them has given up or reacted with self-censorship. Instead, they first launched a counter-attack, mobilizing all the resources at their disposal. In doing so, they turned the tables on their opponents. Subsequently, they even intensified their consciousness-raising activities and continued to demand gender equality and the end of corruption and injustice. What is more, they have asked for a more individualized version of Islam and presented their own interpretations of Islamic texts (although they do not go into a detailed theological and/or juristic argumentation as does a younger generation of 'Islamic feminists', who are experts in Qur'ān, Sunna, and/or Islamic law⁸⁷). Islam to them simply means belief in God, the spirit of justice, freedom, gender equality, and love.⁸⁸ In this instance, they have entered "the arena of conflict on interpretative authority," which is "part of a larger conflict concerning the struggle to monopolize 'the sacred' and by extension gain monopoly over politics and polity."⁸⁹ This is, of course, also true for their male counterparts. With respect to women it is, however, a new terrain which has always been monopolized by men.

It comes as no surprise that the gender-specific attacks are related in particular to alleged violations of moral norms. As Sa'dāwī puts it bluntly in her autobiography, "To be a free man means to be a proud, courageous person who believes in freedom and defends it. A free woman is, however, a woman who is licentious, immoral, and sleeps around."⁹⁰ Ever since the emergence of the modern nation-state, women have been presented as symbols and markers

87 On the new approaches and reading tools, see Badry, "Der friedvolle 'gender-dschihad' muslimischer Aktivistinnen?".

88 See 'Uthmān, *Muḥākama*, p. 100 (the author writes that she believes in God but wants to pray to come close to God, not to be forced to *ṣalāt* as in her childhood by her father and stepmother), pp. 142–146 (always when she feels stressed she reads the Qur'ān).

89 Olsson, "Apostasy in Egypt," p. 96.—See also, in general, Malti-Douglas, "Dangerous Crossings," pp. 228f. (p. 228: "The modern critical dialogue about gender becomes embedded . . . in discourses of power and control.")

90 El Saadawi, *Walking*, pp. 204f.

of communal, collective identity, as models of public morality, and simultaneously used as a tool to promote and establish the patriarchal ideal of a woman. In terms of their appearance, life-style, performance, and outspokenness the three women are an affront to conservative elements. They are perceived as a threat to the whole system, as their publications and activities challenge patriarchal familial and social structures and possibly act as an inspiration for others. Being exceptions in their respective societies, it became easy to make them objects of personalized, emotionalized, and sexualized attacks.

The three activists discussed here can be seen to a certain extent as precursors of the 2011 protests: millions across the Arab world have begun to break the silence and reclaim the right for thoughts and actions to be a single entity. Whether this 'revolution' or 'social movement' will put an end to *takfīr* campaigns may be doubted, however, in particular after recent developments. Though women played a major role in ousting the former rulers, they seem to have been marginalized and excluded from the power game again—at least in the short term.

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Apostasy in the West: A Swedish Case Study

Göran Larsson

The aim of this contribution is to present and analyze a Swedish case of apostasy from 2011 that was occasioned by a Christian missionary meeting targeting the Somali Muslim population in Rinkeby, Stockholm. I shall analyze the public discussion that followed after a Somali man stated on Swedish national radio that apostates from Islam should be killed. The radio program, which was broadcast by the Somali editorial office in the Somali language, was reported to the police, and it was argued that the man had violated Swedish law and that his speech was an incitement to racial hatred.

The article is divided into four sections. Before I turn to the case study itself, however, some short comments about the context of Islam and Muslims in Sweden are in order; this is the content of the first section. Because my case study is specifically related to the Somali community I shall primarily focus on this group but, as my analysis will illustrate, it is important to stress that the public debate that followed the incident in Stockholm in September 2011 was not limited to Somali Muslims, but developed into a discussion about Islam and Muslims in Sweden in general. In the second section I shall focus on the background and content of the radio program and the legal discussions that followed after it had been reported to the police. In the third section I analyze the media coverage of the incident, and especially the public discussion that took place in a number of social media. As I shall try to demonstrate, the question of apostasy from Islam can also be closely related to anti-Muslim sentiment and there is a great need for more studies to document and analyze how frequently individuals who leave Islam are subject to threats and discrimination from other Muslims. At the same time it is clear that we possess only few documents—for example, police reports—that can cast light on this

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problematic issue.¹ The article ends with some conclusions and suggestions for developing the study of apostasy from Islam.

Since the present article is included in a volume dedicated to *takfīr* and apostasy in Islam, I shall not go into any theological or philological details about the term and its function.² For the purpose of the following discussion it is enough to know that *takfīr* is a verbal noun derived from the root *k-f-r* and that the term means “to declare someone a *kāfir* or unbeliever.”

1 Islam and Muslims in Sweden

In the 1930 census—the last one to include information about religious affiliation—the number of Muslims and followers of other non-Christian religions in Sweden was estimated at just fifteen individuals. Today the number of individuals with a Muslim cultural background is estimated to be approximately 400,000–450,000, out of a population of roughly 9.1 million. SST, the Swedish Commission for Government Support to Faith Communities, which is the governmental body that allocates stipends and economic support to religious groups in Sweden, estimates the number of “organized” Muslims at 110,000. This figure is derived from self-estimates and is based on information sent in by the six Muslim umbrella organizations that are currently recognized by the state. However, the institutionalization of Islam in Sweden resembles by and large developments that can be seen in other European countries. For example, the building of mosques took off in the 1980s, and today there are seven purpose-built mosques in Sweden. Even though the process of institutionalization is often closely linked to ethnic and linguistic markers, it is important to point out that the Muslim community in Sweden is very diverse and heterogeneous in terms of ethnicity, language, religiosity, and political/cultural and economic backgrounds.³ It should also be pointed out that a large number of those individuals with a Muslim cultural background could fall into the category of believing without belonging: that is, they are Muslims by

1 For example, the Swedish National Council for Crime Prevention (BRÅ), which functions as the Swedish Government's body of expertise within the judicial system, does not have any statistics on how prevalent threats against individuals who have left Islam are. Some of the hate crimes against Christians that are recorded might contain some information, but at the moment the BRÅ has no systematic data. Information provided by BRÅ, 04/10/2012 (telephone call).

2 See, e.g., Hallaq, “Apostasy,” p. 120.

3 For a short and general introduction to Islam and Muslims in Sweden, see, e.g., Larsson, “Sweden,” pp. 56–75.

culture, but they do not practice Islam on a regular basis. Secularization processes are also at work among individuals with such a cultural background, but secular and agnostic or atheistic individuals from this background are rarely highlighted in the media or academic studies.

If we turn to the Somali Muslim community in Sweden, it is clear that we have few empirical studies and have only a few academic reports that can cast light on the religiosity of this group. We know that the first Somalis came to Sweden in the late 1960s, but greater numbers of migrants and refugees from Somalia started to arrive in the 1980s, and the number of Somalis in Sweden today is estimated at approximately 40,000 individuals. Like most immigrant groups, they live mainly in the three largest cities of Sweden: Stockholm, Göteborg, and Malmö. Although we lack empirical studies of this ethnic group, there are several government and media reports indicating that Somalis are often victims of discrimination and suffer from racism, unemployment, and exclusion from the rest of society. However, it is also important to address the problem of self-ghettoization when studying the Somali community in Sweden. Because of the wars, famines, chaos, and turmoil that have affected Somalia over the last two decades, Somalis who come to Sweden are also likely to suffer from various forms of traumatization, low levels of education, illiteracy, and other social and psychological problems. In addition, there are indications that the clan structure of Somalia persists in Sweden and is still of great importance, especially during migration processes, and that conflicts that existed in Somalia between different clans are likely to continue in the new country.⁴ Moreover, the Somali population has been associated with Islamism and violent interpretations of Islam (especially with the East African al-Shabāb movement), and this has contributed further to their stigmatization and exclusion in Swedish society.

2 The Apostasy Incident in Stockholm

The backdrop to the incident in Rinkeby, which is one of the most multicultural suburbs of Stockholm, was an evangelization meeting organised by the International Congregation (*Internationella församlingen*).⁵ The meeting was held in August 2011 by a group of Somalis who had converted from Islam to

4 For general studies on Somalis in Sweden, see Brinkemo, *Mellan klan*; Helander, "Somalier"; Wikberg, *Inom transnationella och lokala sociala världar*; and Johnsdotter, *Created by God*.

5 For more information about this congregation, see <http://www.rinkebykyrkan.se/> (accessed 03/10/2012). Among many other things, this congregation offers sermons and information in Arabic.

Christianity, and the aim of the gathering was to evangelize and to inform the population of Rinkeby about Christianity and Jesus. This activity formed part of a Christian Somali missionary plan targeting the Somali population in Sweden, which was initiated and supported by the *Evangeliska Fosterlandsstiftelsen* (EFS) and the Pentecostal Church of Jönköping. According to the Web page of EFS, the mission among Somalis in Sweden was launched in 2011, after it had become impossible to carry out the missionary work that EFS had initiated at the end of the nineteenth century in Somalia itself. Because of the political situation in East Africa, EFS decided to regroup its missionary activities and focus on the Somali community in Sweden. The aim of the mission is to support the Christian minority of Somali background, but the overall purpose of the initiative is to convert more Somalis to Christianity.⁶

Since Christian converts with a Somali ethnic background are few in Rinkeby, the meeting in 2011 attracted much attention, and the gathering became a public affair when prayers and witness testimonies were offered at the central public square in Rinkeby. The meeting was clearly perceived as an offense by some of the Muslims in Rinkeby, especially since the meeting took place close to the mosque during the month of Ramadan. To understand the confusion and aggression that the meeting brought about, it should be added that the missionaries were able to communicate and testify in the Somali language, which was, of course, shared and understood by the predominantly Muslim Somali population of Rinkeby. While some Muslims accepted and respected the fact that the converts had made use of their legal rights to choose any religion they preferred, others were upset and reacted aggressively to the missionary activities.⁷

Because of the heated debate, the Somali editorial office at the national Swedish radio (SR) decided to take up the topic and made two programs after the evangelization meeting in Rinkeby that highlighted the situation. The first radio program covered the meeting, while the second was produced in order to put the discussion in some context. For the second program an interview with a Christian convert, Abdi Masihi, was conducted and broadcast. An elderly Somali man, Mahamed Ahmed Hashi, was also asked if Somali men and women could have a religion other than Islam. His answer was no. But it was during the discussion with Sheikh Abdirisaq Hassan and Abdiaziz Jama Geeyre that the debate became even more heated. Before turning to this

6 For more information on the Somali mission in Sweden, see http://www.efs.nu/portal/page/portal/efs_nu/Internationellt/projekt/SOMALIMISSON (accessed 03/10/2012).

7 Zetterman, "Dödshot".

discussion, let us see how Abdi Masihi explains why the meeting was organized in Rinkeby:

What happened today was that our God made use of us. It was not something that we Christian Somalis had planned; it was God who did. God planned that we should go to our Somali brothers and share the Word with them, and this happened thanks to Jesus, who saved me. To come to Rinkeby today was a divine plan, to share the Word before and together with our Somali brothers. Thanks to God who saved us peacefully, and thanks to our brothers who listened to us peacefully. There are many Somalis who live in darkness about this and whose eyes have been opened today. [My translation from the Swedish transcript of the Somali broadcast, 25/08/2011.]

Before the discussion, Abdiaziz Jama Geeyre was also given the opportunity to say something about apostasy and conversion from Islam. According to his interpretation, it is the parents who make the child follow a specific religion—at least it used to be this way. However, today, he says, it is much more up to the individual to choose a religion of his or her liking. Consequently he has no problem with conversion or so-called apostasy from Islam. He continues:

If he/she does no harm to the individual or Islam, the individual can hold any religion that he/she wants and live in peace with it. One can go to a mosque, the other to a church. One can leave Islam. Each individual can choose to follow whichever religion he/she wants. One can be a communist, Buddhist, Muslim, or Christian. Democracy says that a person is free and in charge of his opinions and beliefs. [My translation from the Swedish transcript of the Somali broadcast, 25/08/2011.]

As we shall see, the liberal position in the quote above is in sharp contrast to the opinions of Shaykh Abdirisaq Hassan, the second person who took part in the live discussion in the program. Contrary to Abdiaziz, this man seems to be more inclined to follow what he believes to be religious traditions, and in his comments he stresses that God will punish those who leave Islam. He asserts that these persons should be called *murtaddūn* (apostates). Contrary to Abdiaziz, he contends that it is not up to the individual to make a personal choice when it comes to religion, but that one has to follow the religious traditions of Islam if one is born a Muslim or has pronounced the profession of faith (*shahāda*). When SR journalist Kenadid Mohamed asks Abdirisaq to clarify how an apostate from Islam should be punished, Abdirisaq bluntly states that

he or she should be put to death. In his follow-up question, Mohamed tries to find out who should be responsible for carrying out the death penalty. But this question remains more or less unanswered by Abdirisaq, who merely states that the apostate should be killed. At this point in the program, Abdiaziz intervenes in the discussion and makes it clear that he thinks that the shaykh (i.e., Abdirisaq) meant that this rule should be followed only in a Muslim country: since Sweden is not a Muslim country, the punishment could not be carried out there.⁸

Shortly after the program was broadcast and uploaded to the Web page of Swedish national radio (SR), Erik Johansson, the missionary secretary of Evangeliska Fosterlandsstiftelsen's international mission, reported the program to the police. In his understanding, Abdirisaq's death threat was an incitement to racial hatred, and it was therefore wrong for the violent speech to be uploaded to the Web page of Swedish national radio. For Johansson it was obvious that Swedish national radio did not know about the content of the program. It was originally broadcast in Somali, and Swedish Radio had it translated only after it had been reported to the police. Even though EFS, according to Johansson, is not only targeting Muslims with a Somali background but is trying to teach all individuals about Christianity, the conflict in Rinkeby was a violation of Swedish law, and it was an intervention that put a halt to the ambitions of EFS. In Johansson's experience it is also important to support converts from Islam to Christianity, since they are a vulnerable group and are threatened on a regular basis. In Johansson's experience, too, the threats are mainly verbal and to the best of his knowledge are not carried out in Sweden. However, freedom to evangelize is one of the basic rights in Sweden, and it is those who utter threats who should be condemned, and not the Christians who carry out missionary work among Somali Muslims. It was therefore important for Johansson to report the program to the police.⁹

However, Johansson was not the only person who reported the program: according to the files stored at the Office of the Chancellor of Justice (JK), that is, the governmental body that handles these kinds of complaints, two other people also reported it.¹⁰ One of them was Axel W. Carlsson, a priest in the Church of Sweden who has run for the Swedish Democrats, a party that has become well known for its anti-immigration and anti-multicultural political opinions. Besides immigrants in general, the Swedish Democrats have also targeted Islam and Muslims as a special problem, and the leader of the party,

8 For a detailed description of the *takfir* incident in Stockholm, see Zetterman, "Dödshot."

9 Personal e-mail from Erik Johansson 14/09/2012.

10 Dnr 5902-11-31; 6033-11-31 and 6115-11-31.

Jimmy Åkesson, has openly claimed that Islam is the most serious threat to Swedish society.¹¹

After investigating the reports filed, the Office of the Chancellor of Justice (JK) came to the conclusion that the radio program and the *imām* (i.e., Abdirisaq) were not guilty of or to be charged with incitement to racial hatred. The opinion expressed by Abdirisaq in the program was seen as a personal statement, and the journalist at Swedish radio, Kenadid Mohamed, was innocent because he had merely questioned and contested the opinion expressed by Abdirisaq. In conclusion, the program broadcast by Swedish national radio and the opinions voiced by Abdirisaq could not be seen as incitement to racial hatred, according to the Office of the Chancellor of Justice.¹²

3 Public Discussion on Apostasy in Sweden

As indicated at the beginning of this contribution, the questions of apostasy and conversion from Islam to Christianity are much debated in the public sphere in the West. A quick search on the Internet will bring up a large number of references to forums and Web pages that contain information about apostasy from Islam. The following examples have been selected because they refer directly or indirectly to the incident in Rinkeby or to other cases of apostasy from Islam in Sweden.

However, before I turn to the social media, a few words about how the incident in Rinkeby was reported in other media are in order. Following the reporting of the program, the major newspapers, tabloids, and national radio covered the incident, and the media treatment was more or less neutral and unbiased. However, it is interesting to note that Abdirisaq—the man who uttered the death threat on the radio program—was called an *imām* by all the media. According to the information I have received from the Office of the Chancellor of Justice, including the Swedish translation of the Somali program, there is hardly any information about the participants in the program. Abdirisaq is presented only as a *shaykh*, a term that can be used for a religious man, but this title does not make him an *imām* and can have a much more general meaning in both the Arabic and Somali languages. Without going into the complicated debate about who should be called an *imām*, it is likely that this title influenced the way the program was understood by the non-Muslim audience. Since *imāms* are often presented in the media as key persons within the

11 Åkesson, "Muslimerna är vårt största utländska hot".

12 "Ifrågasatt yttrandefrihetsbrott (Hets mot folkgrupp)".

Muslim community, they are most likely perceived as important and representative figures for the Muslim community. These leaders are also often associated with practices and ideas that are contested by the Swedish general public, and several media reports have demonstrated that *imāms* can hold opinions that are against Swedish law. The statement by Abdirisak is a clear illustration of an opinion that is perceived as breaking the Swedish law on freedom of religion. However, when the newspaper *Dagen* tried to contact the so-called *imām* from Rinkeby, it turned out to be very difficult, and the journalist was unable to reach him. Apparently the *imām* was unknown to most of the people in Rinkeby, and some of the interviewees stressed that everyone there could be seen as an *imām* in one way or another, since they all function as prayer leaders and from that point of view can all be labelled *imāms*.¹³ This understanding of the word “*imām*” corresponds to the Arabic lexical meaning, which calls an *imām* a person who stands in front of a congregation and leads it in prayer. The fact that *Dagen* was unable to find the *imām* could therefore be interpreted in many different ways. Maybe his fellow Somalis protected him, or maybe he was only a Muslim who had expressed his own private views and should therefore not be seen as representative of the Somali community of Rinkeby. No matter how we interpret the importance of the so-called *imām*, it is interesting to note that the media paid little if any attention to the other statements and opinions that were voiced on the same radio program. For example, the liberal view of Abdiaziz Jama Geeyre, whom I quoted in the previous section, was downplayed in the media coverage and the discussions that followed the Rinkeby case.

Turning now to the social media: it is clear that most blogs and Web pages that commented on the incident in Rinkeby followed the information published in the Christian newspaper *Dagen*.¹⁴ And most blogs that commented on the affair directly or indirectly questioned the conclusions of the Office of the Chancellor of Justice, arguing that those responsible for the making of the radio program should be reprimanded. For example, on the Islam-critical blog *Allahuakbar.se* we find a strong critique of Swedish national radio, the writer being extremely disappointed that tax revenue is being used to support programs facilitating the so-called Islamization of Sweden and multiculturalism. The following can be viewed as an illustration of this opinion:

13 Zetterman, “Dödshotande.”

14 See, for example, <http://svenssonsfortvivlan.blogspot.se/2011/09/kristna-konvertiter-dodshotade-av-imam.html>; <http://budkavle.blogspot.se/2011/09/kristna-konvertiter-dodshotade-av-imam.html>; and <http://pophoger.blogspot.se/2011/09/imam-i-rinkeby-dodshotar-konvertiter.html> (all three accessed 05/10/2012).

Today you pay to give Muslims rights, to encourage them to murder non-Muslims. Because it is important that independent media support multiculturalism. Sometimes it feels extra good to be Swedish. Remember that these death threats can't be linked to any idea, culture or religion. That is phobia. This is multiculturalism when it is most beautiful, beautifully applauded by license. [My translation.]¹⁵

If we turn to more general texts on apostasy and Islam, we find, for example, the following blog text by Anders Ladberg:

Islam is a religion born in war, and those who leave Islam will be mercilessly killed. The prophet Muhammad declared that they should kill those who leave Islam.¹⁶

This statement is supported by reference to Qur'ān 3:71 and 3:84, which Ladberg gives in a very strange translation. According to his reading, these passages from the Qur'ān support the claim that apostates should be killed.¹⁷ However, if we read, for example, Muhammad Asad's translation of the Qur'ān, the same passages do not refer to apostasy from Islam and do not support the killing of apostates. Qur'ān 3:71 and 3:82 are rather two verses that refer to earlier revelations regarding how believers should position themselves in relation to them. The translation given by Ladberg is obviously not supported by the Arabic texts, and from this point of view the translation can be seen as a fabrication or a falsification that supports Ladberg's opinion on apostasy. Even though Ladberg is using a questionable or even wrong translation of the Qur'ān, he makes an important reference to an earlier debate about apostasy from Islam in Sweden that was reported by the journalist Annica Lundbäck in the tabloid *Expressen*. In this particular article, Lundbäck reports that Sheikh Mahmoud, at that time the *imām* of the Islamic congregation in Jönköping, openly stated

15 "Vad din radio och tvlicenspeng används till."

16 <http://svangrum.ylebloggen.fi/2011/10/02/kan-man-lamna-islam/> (accessed 08/10/2012).

17 The whole texts reads in Swedish: "I nationella krig tillåter man inte soldater att gå över till andra sidan ostraffat. Många länder har eller har haft dödsstraff för landsförräderi. Islam är en religion född i krig och de som lämnade islam blev obönhörligt dödade. Profeten Muhammed förkunnade att man skall döda dem som lämnar den islamiska religionen. (... yttrande av Allahs apostel, "Vem det må vara som byter ut sin religion islam, ska dödas") "Allah förlåter inte människor som lämnar den islamska religionen" (Koranen 3:71, 84)," <http://svangrum.ylebloggen.fi/2011/10/02/kan-man-lamna-islam/> (accessed 2012-10-08).

that a Muslim who leaves Islam should be beheaded. The *imām* is quoted as saying:

Islam views such a person in the same way a doctor looks at his patient: if the patient has a sickness or an injury in one part of the body, this part must go away. In the same way, it is necessary that a Muslim who has accepted and embraced Allah's teaching, but still turns away, must die. [My translation.]¹⁸

To the best of my knowledge this statement was not reported to the police, but interestingly it was not discussed in relation to the later incident in Rinkeby either. Even more importantly, the article in *Expressen* also contained an interview with Abd al-Haqq Kielan, the chairperson of the Swedish Islamic Association (Svenska Islamiska Samfundet), an umbrella organization, who is one of the best known *imāms* in Swedish society, in which he says that the opinion of Sheikh Mahmoud is wrong and questionable and that it is doubtful that Sheikh Mahmoud has the competence and knowledge to lead an Islamic congregation in Sweden. Kielan stresses that Islam is a religion that is based on freedom of choice, and force should not be used as a method for spreading Islam or for preventing people from leaving it. As in the Swedish radio program that followed the incident in Rinkeby, this more peaceful alternative was downplayed in the social media and in the text on apostasy from Islam posted by Ladberg. The statement by Imam Kielan is a reminder of the fact that Muslims in Sweden can hold many different opinions about apostasy from Islam.

4 Conclusions

In conclusion, it is clear that we lack empirical data on how Muslims discuss and perceive apostasy in Sweden and have only impressionistic knowledge about how Muslims who leave Islam are perceived and treated by other Muslims. In other words, even though we have some theoretical knowledge about theological and judicial discussions and positions in the history of Islam, we have very little knowledge about how these theories are inculcated, applied, and discussed in Western society today. At the same time, it is clear that the question of apostasy, or rather the perception that it is impossible to leave Islam as a personal choice, can also be closely related to general anti-Muslim

¹⁸ Lundbäck, "Islams två ansikten".

sentiments. A future research task is therefore to study how discussions about apostasy are related to anti-Muslim sentiments and debates. However—and this is very important in an open and democratic society—it is also extremely urgent to study and document whether and to what extent individuals who leave Islam are being persecuted and threatened in Western society today. To be able to choose to have a religious belief or an agnostic or atheistic world view is a fundamental right in Swedish society. How the individual chooses to live his or her life should not be regulated by society as long as the conviction is not based on violence, threats, or force, and as long as nobody is hurt. From this point of view, the question of apostasy is very closely related to fundamental issues, such as freedom of religion, human rights, and democracy.

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PART 2

Discussing Takfīr: Different Perspectives



Essential Islam: The Minimum that a Muslim is Required to Acknowledge

Hossein Modarressi

To Intisar Rabb

Early in the fourth decade of the second century of Islam, a revolutionary uprising that had begun in the eastern regions of the Islamic world brought down the century-long rule of the Umayyads, replacing them with a new dynasty of caliphs, the ‘Abbāsids. The avowed initial aim of the revolution, through which it was able to gather support and gain sympathy, was to avenge the injustices inflicted upon the House of the Prophet, understood at the time and later on to refer chiefly to the ‘Alids, the descendents of the Prophet through his daughter Fāṭima al-Zahrā’. Soon however, the new dynasty turned against the ‘Alids and suppressed them with unprecedented brutality. The oppression continued unabated until the last years of the second century when a major civil war brought al-Ma’mūn (r. 197/813–218/833) to power. As part of a radical volte-face, the new ruler embarked on a policy of rapprochement and of mending fences with the hitherto persecuted ‘Alids.

In the year 199/814, al-Ma’mūn brought ‘Alī b. Mūsā b. Ja’far (b. 148/765; d. 203/818) to Merv and designated him as heir to the throne. At the time, ‘Alī b. Mūsā was a most highly regarded member of the ‘Alīd family. He was the son of the former patriarch of the House in Medina who, as a potential threat to ‘Abbāsid rule, had been put to death by al-Ma’mūn’s father in 183/799. ‘Alī, soon to be called al-Riḍā, was already the leader of the Imāmī Shī’ite community, the main doctrinal contestant to the official version of Islam that was followed by the majority of the Muslims. Most Muslims, however, those in the eastern part of the Islamic lands in particular, had at the same time a strong sense of attachment to the descendents of the Prophet, regardless of some well-known differences between them and the majority on a number of doctrinal issues.

The change in ‘Alī al-Riḍā’s status, from that of the leader of a clearly delineated branch of Islam to that of the future head of the Muslim community at large, implied new and wider responsibilities and a different perspective vis-à-vis the entire community: he had to recognize and accommodate a doctrinally diverse community whose vigor and strength, if not its very survival,

were largely dependent on reconciling different tendencies through mutual tolerance and accepting a plurality of views as feasible because of a firm allegiance to a shared core that held the entire community together and ensured its continuing peaceful welfare and survival.

On his way from Medina to Merv, 'Alī al-Riḍā stopped at the city of Nishāpūr, a staging post on the way as well as a noteworthy center of Sunnī religious learning then and for several centuries afterwards. The people of the city came out in their thousands to welcome him. Following a well established tradition, some of the prominent scholars of the city who were in the crowd asked him to quote them a *ḥadīth*, a recorded statement from the Prophet. The Imam chose to narrate to them a particularly fitting *ḥadīth* for the occasion: a promise of final salvation to all who believed in the oneness of God as the most essential tenet of Islam. To remind the community of his position as the legitimate heir of the Prophet and to stress the fact that his authority extended well beyond any attachment to temporal power or the favor of the current ruler, he began by mentioning his chain of narration for the statement, one that stretched back through an unbroken blood-line of descendents of the Prophet, citing those whom Imāmī Shī'ite doctrine considered his legitimate heirs and rightful successors but who were also well known and revered by the entire Muslim community, to finally end with 'Alī and then the Prophet himself:

My father Mūsā b. Ja'far transmitted to me; he said that his father Ja'far b. Muḥammad transmitted to him; he said that his father Muḥammad b. 'Alī transmitted to him; he said that his father 'Alī b. al-Ḥusayn transmitted to him; he said that his father Ḥusayn b. 'Alī transmitted to him; he said that his father 'Alī b. Abī Ṭālib transmitted to him; he said that the Messenger of God transmitted to him that God the Almighty says the phrase "There is no god but Allah" is my fortress, and whoever enters my fortress is immune from my punishment.¹

1 The above text is according to the version quoted in Aḥmad b. Āmir al-Ṭā'ī (mid-third/ninth century), *Ṣaḥīfat al-Imām al-Riḍā*, p. 40. Many other early sources quote the same text, some with minor variations. Examples include Ibn Ḥibbān, *Majrūhīn*, vol. 3, p. 154; Ibn Bābawayh, *Tawḥīd*, pp. 24f.; idem, *Ma'ānī*, p. 371; idem, *Thawāb*, pp. 21f.; idem, *Uyūn*, vol. 2, pp. 134f.; Abū Nu'aym, *Hilya*, vol. 3, p. 192; al-Ṭūsī, *Amālī*, p. 426; Ibn 'Asākir, *Tārīkh*, vol. 5, p. 463; vol. 7, p. 115; al-Rāfi'i, *Tadwīn*, vol. 2, p. 125; al-Silafī, *Mu'jam al-safar*, p. 142; al-Irbilī, *Kashf*, vol. 3, p. 98 quoting *Tārīkh Naysābūr*, presumably the one by Ḥākim al-Naysābūrī.—It should be noted that Abū Nu'aym, *Dhikr Akhbār Iṣbahān*, vol. 1, p. 138 and the old Persian translation of Ḥākim al-Naysābūrī's *Tārīkh Naysābūr* by Muḥammad b. Ḥusayn Khalīfa-yi Nayshābūrī (pp. 208–12) narrate the story behind the statement and describe the scene in the same way as in the works listed above but offer two different statements from 'Alī al-Riḍā on the occasion, neither of which fits the context.

The audience should have been pleased by the statement.² Hardly any other statement could be as accommodating, all-inclusive, and far-reaching, as well as well timed, as this one. It fitted well with its immediate context and intent.

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Years later, however, in both camps of the main sectarian dispute in Islam, the theologically sensitive scholars of the time, prone to understanding everything within their own patterns of mind, felt uncomfortable with the all-embracing language of the above statement and, in one way or another, tried to modify its tone. The Shī'ites found that the universal promise of salvation to all monotheists did not accord with their own strong emphasis on the belief in the rights and merits of the House of the Prophet as a prerequisite for salvation. A Shī'ite variant of the statement therefore had the Imam adding a sentence when he set out to leave: "but only if the other conditions are met, and I am one of those conditions."³

For the by then predominantly non-Murji'ite Sunnī Islam, on the other hand, a variant of the statement that promised salvation in return for a verbal acknowledgement of the oneness of God ("The saying 'there is no god except Allāh' is my fortress; whoever says it enters my fortress and whoever enters my fortress is immune from my punishment")⁴ had too much of a Murji'ite ring to it since it implied that the mere enunciation of the phrase, and not the combination of words and action, was enough to ensure salvation. A Sunnī variant therefore had the Prophet qualify the phrase "whoever says it" in this version with the proviso "in all sincerity,"⁵ some adding an additional sentence, either on his behalf⁶ or as a later transmitter's or author's contribution,⁷ that "one

2 See Abū Nu'aym, *Ḥilyat al-awliyā'*, vol. 3, p. 192 characterizing 'Alī al-Riḍā's transmission of this statement as well established and well known (*thābitun mashhūr*), indicating its common popularity.

3 E.g. Ibn Bābawayh, *Ma'ānī*, p. 371; idem, *Tawhīd*, p. 25; idem, *Thawāb*, p. 22; idem, *Uyūn*, vol. 2, p. 135. There is also a variant of the quotation that replaces the testimony to the unity of God with attachment to 'Alī: "Attachment to 'Alī b. Abī Ṭālib is my fortress, and whoever enters my fortress is immune from my punishment" (Ibn Bābawayh, *Amālī*, p. 306; idem, *Ma'ānī*, p. 371; idem, *Uyūn*, vol. 2, p. 136).

4 Ibn Ḥibbān, *Majrūhīn*, vol. 3, p. 154; Ibn Bābawayh, *Uyūn*, vol. 2, p. 135; Abū Nu'aym, *Ḥilyat al-awliyā'*, vol. 3, p. 192; al-Irbilī, *Kashf*, vol. 3, p. 98.

5 E.g. Ibn Ḥibbān, *Majrūhīn*, vol. 3, p. 154; Abū Nu'aym, *Ḥilya*, vol. 3, p. 192. The word was borrowed from a Prophetic statement on the same topic in al-Ṭabarānī, *al-Mu'jam al-kabīr*, vol. 5, p. 197; idem, *al-Mu'jam al-awsaṭ*, vol. 2, p. 56, attested also on the authority of 'Alī al-Riḍā in Ibn Bābawayh's *Tawhīd*, p. 25; idem, *Thawāb*, p. 21, and idem, *Uyūn*, vol. 2, p. 134.

6 Abū Nu'aym, *Ḥilya*, vol. 3, p. 192 where the Imam defines "all sincerity" as "obedience to God."

7 Ibn Bābawayh, *Uyūn*, vol. 2, p. 137.

who says it in all sincerity will never commit a sin.”⁸ Some Sunnīs were also unhappy about the chain of transmission with its clear Shī‘ite underpinning.⁹ Others might have felt somewhat uncomfortable even about the imagery and the very wording of the text that explained the idea of salvation by assigning a fortress to God that could be entered by man; they would have preferred a simpler, plainer language like the one used in a popular Sunnī report from the Prophet: “Whoever testifies that there is no god except Allāh will enter Paradise.”¹⁰ In a remarkable example of how the phenomenon of text and *isnād* editing worked in *ḥadīth* transmission, a thoroughly overhauled Sunnī variant that tried to purge all these unwanted elements and bring the *ḥadīth* into harmony with the standard Sunnī orthodoxy of the day ended up with this formula:

‘Alī b. Mūsā al-Riḍā quoted to us, [he said] ‘Abd Allāh b. Arṭāt b. al-Mundhir¹¹ quoted to me, from Asmā’ b. Khārīja, from Mu‘āwiya b. Abī

8 This clause was also taken from the same Prophetic statement noted above (n. 5) where “all sincerity” was defined as what prevented one from committing sins. The statement appears in Shī‘ite collections of *ḥadīth* too. See Ibn Bābawayh, *Ma‘āni*, p. 370; idem, *Tawḥīd*, pp. 27f.; idem, *Thawāb*, pp. 19f.

9 See Ibn Bābawayh, *Uyūn*, vol. 1, p. 228; al-Ṭūsī, *Amālī*, pp. 667, 669f.; Khaṭīb al-Baghdādī, *Tārīkh*, vol. 5, p. 419; vol. 10, p. 344.

10 See below, n. 19.

11 This name is completely unknown. The *isnād* might have originally read “Abd Allāh [b. al-Mubārak] from Arṭāt b. al-Mundhir.” (‘Abd Allāh b. al-Mubārak is the only person with the name ‘Abd Allāh who transmits from Arṭāt b. al-Mundhir in al-Mizzī, *Tahdhīb*, vol. 2, p. 212). Arṭāt b. al-Mundhir was a transmitter of *ḥadīth* who died in 162/778–9 or 163/779–80 and could not have transmitted from Asmā’ b. Khārīja whose date of death is variously given as 65/684–5 (Ibn Ḥibbān, *Mashāḥīr*, p. 123) or 66/685–6 (Khalīfa b. Khayyāt, *Tārīkh*, p. 202) (see also al-Dhahabī, *Tārīkh*, vol. 2, pp. 619f.), even though these dates are inaccurate as the man was reported to be back in Kūfa after the death of Mukhtār al-Thaqafī in 67/686–7 (al-Dīnawarī, *Akhbār*, pp. 303, 304), and still there in the time of al-Ḥajjāj (r. 73/692–95/714) (Abū l-Faraj, *Aghānī*, vol. 17, p. 231), possibly until around 82/701–2 (al-Ṭabarī, *Tārīkh*, vol. 4, p. 404) (a report claims that he was still alive when ‘Umar b. ‘Abd al-‘Azīz assumed the caliphate in the year 99/717–8 at which occasion Asmā’ went to greet and read to him a poem in his praise [al-Ṭūsī, *Amālī*, p. 207]; the account, however, mistakes Asmā’ for another poet [see the editors’ note to the report *ibid.*]). It seems that someone confused this Asmā’ b. Khārīja with Asmā’ b. Ḥāritha al-Aslamī, a companion of the Prophet, who according to Ibn Sa’d, *Ṭabaqāt*, vol. 4, p. 240 died in 66/685–6. The two names of *Khārīja* and *Ḥāritha* can easily be confused in Arabic script. As for the discrepancies in the *isnād* in question, however, it is very likely that the contributor of the emended version was not much worried about historical accuracy but rather sought to offer an anti-Shī‘ite alternative chain of transmission to take the Shī‘ite sting out of the original *isnād*.

Sufyān, who said that the Prophet said: Whoever says ‘there is no god except Allāh’ and does not use this as a cover to commit a major sin, will certainly be among the people of Paradise.¹²

In the light of what has been said above, one can clearly see how the author of this version solved his problems in this upgraded text. As for the chain of authorities, the most significant outcome of this emendation is the replacement of ‘Alī with Mu‘āwiya, and to a lesser degree, the insertion of Asmā’ b. Khārīja, a native of Kūfa in mid-first/seventh century whom the collective memory of the early Shī‘ite community of the city remembered as an enemy of ‘Alī and supporter of the Umayyads. He was among those who filed a testimony against Ḥujr b. Adī, a companion of the Prophet and prominent supporter of ‘Alī against Mu‘āwiya,¹³ in preparation for his arrest and subsequent execution by order of Mu‘āwiya in 51/671.¹⁴ Asmā’ was thought to have been an accomplice in the government’s plot to abort Ḥusayn’s campaign against the Umayyads¹⁵ and had to flee Kūfa when Mukhtār al-Thaqafī (rebelled 66/685–6–67/686–7) pursued the killers of Ḥusayn,¹⁶ including ‘Ubayd Allāh b. Ziyād, the governor of Iraq who had ordered the killing of Ḥusayn and his men and who was Asmā’s son-in-law.¹⁷ Asmā’s house in Kūfa was thus demolished by Mukhtār during his anti-Umayyad operations.

The original statement, however, did not intend to give the whole credit to words alone. A widely transmitted quotation from the same Imam through the same chain of authorities defined faith as word, belief, and act.¹⁸ There was

12 al-Silafī, *Mu‘jam al-safar*, p. 448.

13 al-Ṭabarī, *Tārīkh*, vol. 5, p. 270; al-Balādhurī, *Ansāb*, Beirut/Wiesbaden, vol. 5, pp. 241, 254.

14 al-Ṭabarī (*Tārīkh*, vol. 4, p. 404) names Asmā’ also as an accomplice in the killing of Kumayl b. Ziyād al-Nakha‘ī, a close disciple of ‘Alī who was killed by al-Ḥajjāj in 82/701. Even if al-Ṭabarī’s account is thought doubtful, it shows how Asmā’ was remembered and detested as an arch enemy by the Shī‘ite community of Kūfa.

15 See al-Balādhurī, *Ansāb*, Beirut/Wiesbaden, vol. 3, pp. 80, 178; al-Dīnawarī, *Akhbār*, pp. 236f.; al-Majlisī, *Bihār*, vol. 45, p. 377.

16 al-Balādhurī, *Ansāb*, ed. al-‘Azīm, vol. 6, p. 103; al-Dīnawarī, *Akhbār*, pp. 303, 304.

17 Ibn Qutayba, *Uyūn*, vol. 4, p. 96; al-Balādhurī, *Ansāb*, Beirut/Wiesbaden, vol. 4/1, p. 380. His daughter later married al-Ḥajjāj.

18 The quotation appears in many early sources. Examples include Aḥmad b. Āmir al-Ṭā‘ī, *Ṣaḥīfat al-Imām al-Riḍā*, p. 40; Ibn Māja, *Sunan*, vol. 1, pp. 25f.; Ibn Baṭṭa, *Ibāna*, vol. 2, p. 221; al-Ṭabarī, *Tahdhīb*, the section on Ibn ‘Abbās, vol. 2, pp. 683f.; al-Ājurri, *Sharī‘a*, p. 131; al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, vol. 6, p. 226; vol. 8, p. 262; Ibn Bābawayh, *Khiṣāl*, vol. 1, p. 179; idem, *Uyūn*, vol. 1, pp. 226–8; al-Dāraqutnī, *Mu‘talif*, vol. 2, p. 1115; Abū Nu‘aym, *Dhikr Akhbār Iṣbahān*, vol. 1, p. 138; al-Bayhaqī, *Shu‘ab al-īmān*, p. 12; al-Ṭūsī, *Amālī*, pp. 664–69; Khaṭīb al-Baghdādī, *Tārīkh*, vol. 1, p. 255; vol. 5, p. 418; vol. 9, pp. 326, 385; vol. 11, pp. 46, 67.

already a well-established, uniform practice among all Muslims on the major issues of religious rituals and law, and by then an agreement that neglecting one's duty in those matters would get one into deep trouble on the Day of Judgment. What created a rift, caused by bitter controversies in the scholastic community, was the dispute about the details of the creed that a Muslim was supposed to acknowledge. As indicated by the context, the statement rather addressed this main point of disagreement on the essential core of Islamic belief, one that could not be compromised; in other words, the minimum for a person to acknowledge in order to be a member of the Islamic community and a candidate for God's salvation.

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It is interesting to note that two similar statements from the Prophet in the Sunnī tradition generated similar concerns and went through similar emendation and editorial work. One of the statements, quoted in several slightly different formulae, said: "Whoever testifies that there is no god except Allāh will enter Paradise" or "is entitled to Paradise."¹⁹ Well known for their uncompromising demeanor, intolerance, and violent reactions to doctrinal differences, the Followers of *Ḥadīth*, the Ḥanbalites in particular, had to find a way to explain away the all-inclusive and compromising tone of this statement, not only to dismiss Murji'ite ideas²⁰ but also to bar the Shī'ites and other allegedly heterodox Muslims from entering Paradise.²¹ Even as early as the time when the Prophet had made that statement, 'Umar had reportedly complained about its tone and thought it could discourage people from diligently performing their religious duties.²² A number of emendations of the text were deployed to solve the problem by adding other elements as necessary conditions for entering Paradise. For example, a variant of the statement reads: "Whoever testifies that there is no god except Allāh, the One who has no partner, and that Muḥammad is His servant and messenger, and that Jesus was His servant and

19 The statement is quoted in almost all major collections of Sunnī *ḥadīth*. Al-Suyūṭī, *Azhār*, p. 6 identified it as *mutawātir* and listed 34 Companions who quoted it from the Prophet, and the editor added others in his notes on pp. 61f. Al-Haythamī, *Majma'*, vol. 1, pp. 157–70 quoted 40 different *isnāds*, many with slightly different versions of the statement as they appear in major early sources of *ḥadīth*.

20 For some recent attempts, see the following links: <<http://www.saaaid.net/rasael/176.htm>>, <<http://binbaz.org.sa/mat/3331>>.

21 For the most recent attempt, see the following link: <<http://islamqa.info/ar/ref/21683>>.

22 Aḥmad b. Ḥanbal, *Musnad*, no. 19597 and numerous other sources listed in the editor's note in vol. 32, pp. 370f.

messenger and the word that He bestowed on Mary and a spirit from Him, and that Paradise is true and Hellfire is true, will be allowed by Allāh to enter Paradise according to [his good] deeds.”²³

The other statement quoted the Prophet as saying: “I am commanded to fight the people until they say: ‘there is no god but Allāh’; once they say this, they secure their lives and possessions from me.”²⁴ As evidenced by numerous other quotations from, and reported practices of, the Prophet, the tone of the statement goes well with his language and character and there is solid ground for suggesting that it might represent a genuine statement by him. It happened that shortly after his death, the tribes in the Arabian Peninsula refused to pay their religious dues to the government that succeeded him in Medina. The rebellion was quickly suppressed with force and violence in what came to be known as the Wars of Apostasy. The Caliph Abū Bakr’s decision to go to war against the tribes was reportedly criticized at the time by senior Companions as a violation of the statement in question.²⁵ A supplementary clause, *illā bi-ḥaqqihi/ḥaqqihā* (“except as required by law”), that now appears at the end of most variations of the statement,²⁶ came to the rescue as the first attempt to solve the dilemma and align the statement with the caliph’s decision. Later, more detailed, revised redactions were offered as in the following example: “I am commanded to fight people until they testify that there is no god but Allāh and that Muḥammad is the messenger of Allāh, and perform their prayers and pay the alms. When they do that, they secure their lives and possessions from me except as required by Islam, and it will be up to Allāh to call them to account.”²⁷

It might be worth noting here what the Sunnī scholars of *ḥadīth* thought about a statement when transmitted in variant versions of differing length. If the transmitters of a longer version are considered by the authorities of

23 al-Bukhārī, *Ṣaḥīḥ*, no. 3435; Aḥmad b. Ḥanbal, *Musnad*, no. 22675 and other sources listed in the editor’s note in vol. 37, pp. 349f.

24 Ibn Abī Shayba, *Muṣannaf*, vol. 11, pp. 371–3 [nos. 33643, 33647], Aḥmad b. Ḥanbal, *Musnad*, nos. 8544, 10840, 14650 and other sources listed in the editor’s notes in vol. 14, p. 222; vol. 16, pp. 489f.; vol. 23, p. 18.

25 al-Bukhārī, *Ṣaḥīḥ*, nos. 924, 1399, 7284–5; Muslim, *Ṣaḥīḥ*, nos. 20f. and other sources listed in the editor’s notes to Aḥmad b. Ḥanbal, *Musnad*, vol. 1, pp. 229, 271, 358; vol. 16, pp. 489f., vol. 22, p. 120.

26 al-Bukhārī, *Ṣaḥīḥ*, nos. 1399, 6924–5, 7284–5, and almost all other major collections of Sunnī *ḥadīth*. See the editor’s note to Aḥmad b. Ḥanbal, *Musnad*, vol. 13, pp. 499f., 481; vol. 26, pp. 81f. See also al-Suyūṭī, *Azhār*, pp. 6f. and the editor’s note on pp. 63f.

27 al-Bukhārī, *Ṣaḥīḥ*, nos. 392f. and numerous other early Sunnī collections of *ḥadīth* as listed in the editor’s note to Aḥmad b. Ḥanbal, *Musnad*, vol. 20, pp. 349–51.

ḥadīth to be reliable and trustworthy, the irrefutable assumption is that the transmitters of the shorter versions abridged the original texts and not that those who came up with the longer versions expanded on the original format.²⁸ The assumed reliability of a transmitter is so decisive that even if the person named as source explicitly denies that he ever said such a thing or related such a statement, his denial would have no effect. The *ḥadīth* is assumed reliable; the source is assumed to suffer from dementia.²⁹

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From the standard Ash'arite position that recognized as a Muslim anyone who faced toward Mecca in his prayers, to the much more exclusive tendency of the Followers of *Ḥadīth*, including the Ḥanbalites, who would consider as a non-Muslim whoever disagreed with them over a long list of articles of creed, Sunnī Islam came to represent a multitude of opinions on how to define a Muslim and set a dividing line between faith and unfaith. On the other hand, the dominant opinion in Sunnī Islam maintained that being a Muslim was a matter of creed and that, unlike what most Khārijites advocated, no sin or irresponsible verbal utterance would compromise that status. A Muslim would remain a Muslim unless he explicitly renounced Islam. Only the Ḥanafites developed a concept of blasphemy whereby a Muslim would apostatize by a blasphemous utterance even if he did not mean to abandon his faith or deny the truth of any component of Islam. In later centuries, when various schools began to adopt and use material from one another, the idea of apostasy through an irresponsible utterance received acceptance in the works of some non-Ḥanafite scholars as well, albeit on a more limited scale.

The historical precedent of the above-mentioned Wars of Apostasy, the military campaign against the Arab tribes who refused to pay alms to the caliphate, continued to inform Sunnī theology and law. There were different interpretations and speculations about the plausible motives behind these revolts: Some of the Arab tribes may indeed have rejected the faith but others possibly merely doubted the legitimacy of the newly established government in Medina and/or its right to extract religious dues from them. There were doubtless others too who could not care less about either issue, nor ever denied that the payment of alms was religiously obligatory, but simply did not wish to pay. In many of the cases at hand, the question was thus not denial and rejection of a component of faith but the actual payment of religious dues. In

28 See for instance Ibn Ḥajar, *Fath*, vol. 13, p. 234.

29 See for instance Ibn Qudāma, *Mughnī*, vol. 9, pp. 345f.

their attempts to justify the decision of the caliphate and remove the conflict between theory and practice, Sunnī scholars decided that the refusal of those tribes to pay the religious dues to the central government in Medina was either an actual case of apostasy or tantamount to it. That created a general legal pattern in Sunnī Islam: Any Muslim who rejects or denies a matter that is commonly known to be a precept of Islam, “a clearly established law of Islam,” is considered an apostate even if the person verbally adheres to the Muslim faith.

For the Shīʿites, who had a different understanding of the course of events after the death of the Prophet and thought that many of the early rebellions were primarily political protests and not apostasy as depicted by the caliphs, the point was not to justify the practice of the caliphate and testify to its historical validity but to establish in general what could turn a Muslim into an apostate. Their focus was thus more legal than historical and ended with a more accommodating conclusion: If one became a Muslim through acknowledging the two testimonies of Islamic creed, nothing less than their rejection could constitute apostasy.³⁰ That, however, included both explicit, outright rejection as well as implicit denial. Rejection of any component of the faith could render the verbal testimony null and void if it aimed at indirectly denying the truth of Islam, that is, of the oneness of God and/or the fact that Muḥammad was His messenger. In a way, many Sunnī scholars agreed with this opinion but thought that the rejection of a commonly known and well established precept of Islam could not normally indicate anything but the rejection of the faith itself. The difference between the two approaches is a matter of legal presumption as to what the default situation is. That in turn can have a major effect on the procedures: In one approach, the rejection by itself has no legal effect unless proven otherwise, whereas in the other, it will have an immediate legal effect unless proven otherwise.

Not all Shīʿite scholars agreed with the interpretation noted above. There were those who adopted the Sunnī assumption that the rejection of a clearly established component of religion could not be anything but intentional.³¹ It is thus not uncommon to see an additional proviso in the formal definition of a “Muslim” in both Sunnī and Shīʿite traditions: A Muslim is one who acknowledges the two testimonies of Islamic creed, that there is no god except Allāh and that Muḥammad is His messenger, *and* does not reject commonly known

30 E.g. al-Ardabīlī, *Majmaʿ*, vol. 3, p. 199; Fāḍil al-Hindī, *Kashf*, vol. 1, p. 402; al-Narāqī, *Mustanad*, vol. 1, p. 207; al-Anṣārī, *Ṭahāra*, vol. 5, pp. 130f.; al-Hamadānī, *Miṣbāḥ*, vol. 7, p. 276; al-Ḥakīm, *Mustamsak*, vol. 1, p. 379; al-Khumaynī, *Ṭahāra*, vol. 3, p. 452.

31 E.g. al-ʿAmilī, *Miftāḥ*; al-Najafī, *Jawāhir*, vol. 6, pp. 48f.

and clearly established precepts of Islam,³² “the essential components of religion” (*al-ḍarūrī min al-dīn*) as they term it.

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But what exactly are those essential components of Islam, the minimum that a Muslim must acknowledge, and the rejection of which would automatically compromise one's faith, regardless of one's heartfelt intentions?³³

One opinion as noted above restricted this to just what the two testimonies stood for, the oneness of God and the role of Muḥammad as His messenger. Taking this opinion to its logical conclusion, one would still be recognized as a Muslim if one believed in God and testified to the mission of Muḥammad, but for meaningful, coherent reasons disagreed with other Muslims' understanding of what was entailed in the original message of the Prophet.³⁴ There was a debate whether a belief in the Return (*ma'ād*) too, that is, the world to come, is an item of creed that cannot be compromised. As essential as it is to Qur'ānic and Prophetic teachings and thus to Islamic doctrine, it is not directly and explicitly covered by the two testimonies, and as such, one Shī'ite opinion suggests that not even the concept of the Return, let alone its details, is an independent item beside the two testimonies; thus its denial becomes problematic only if it indicates a lack of faith in those two.³⁵

Others identified the indispensable minimum as features that Islam is known to stand for in the eyes of everyone, Muslims and non-Muslims alike;³⁶ in other words, the trademarks of Islam and major values that it is known to primarily stand for, including presumably the unity of God, the prophethood of Muḥammad, the Qur'ān as scripture, Mecca as the heart of the Islamic community, the mosque as the place of worship, prayer and fasting as religious rituals, prohibition of wine and pork as well as immoral acts like incest and adultery as normally expected from a religion, and possibly some of the major characteristics of the original message of Muḥammad such as a strong

32 “*Mā ‘ulima bi-l-ḍarūra majī’ al-Rasūl bihi*” (Sharīf al-Murtaḍā [attributed], *al-Ḥudūd wa-l-ḥaqā’iq*, in *Rasā’il al-Sharīf al-Murtaḍā*, vol. 2, pp. 259–89; 280).

33 Opinions discussed in this short article can be found in many works on Islamic theology and law, all of which are now easily traceable through modern *fiqh* and *kalām* databases. Minimum documentation will be offered here in each case, naming only one or two sources for each opinion quoted.

34 See al-Zarkashī, *Manthūr*, vol. 2, p. 208; al-Anṣārī, *Ṭahāra*, vol. 5, pp. 126, 138.

35 al-Khumaynī, *Ṭahāra*, vol. 3, pp. 444f. Cf. al-Ghazālī, *Fayṣal*, pp. 193f.

36 al-Dihlawī, *Fatāwā*, p. 52, line 13; al-Kh^wānsārī, *Talwīḥ*, p. 78; al-Kashmīrī, *Ikfār*, pp. 122f.

emphasis on social justice and ethical values, and rejection of class and racial discrimination.

The dominant opinion, however, defines them as what the Muslims universally and uniformly, in every generation from the time of the Prophet onwards,³⁷ have agreed upon; in other words, the collective memory of the Muslim community of what the Prophet said and did, the memory that has informed the religious culture, mindset, and practice of the Muslims at large since the earliest times.³⁸ These are what a Shī'ite philosopher of the eleventh/seventeenth century defines as the building blocks of religion that function in the same way as self-evident propositions do in philosophical discourse.³⁹ Examples given in the sources are such matters as the obligation to perform daily prayers or the prohibitions of wine, pork, fornication, and murder.⁴⁰ At issue here is what al-Ghazālī and others regard as the "consensus of the community of the faithful," a concept different from what Muslim jurists deem to be the unanimous opinion of Muslim scholars.⁴¹ Those Shī'ites who define the essential components as what "the entire community in all its branches and sects,"⁴² or "Sunnīs and Shī'ites alike,"⁴³ agree upon may have the same idea in mind. When the entire community is convinced that a matter of law, for instance, goes back to the Prophet himself, it becomes *ipso facto* a theological rather than a legal issue. To question the truth of such a matter is in effect to question the mission of the Prophet.⁴⁴

Others tried to go further and include in the category of essential components what Muslim scholars of various schools of thought, rather than the community at large, have always agreed upon, usually with the requirement that their unanimous decision should have been based directly on a Qur'ānic text or a widely transmitted statement from the Prophet or, for the Shī'ites, also

37 Qāḍī 'Iyāq, *Shifā*, pp. 1073, 1075; al-Khumaynī, *Tahāra*, vol. 3, p. 452.

38 al-Iṣfahānī, *Hidāya*, vol. 1, p. 66. See also al-Kashmīrī, *Ikfār*, pp. 2f.

39 Lāhijī, *Gawhar-i murād*, p. 399.

40 Ibn Ḥazm, *Iḥkām*, vol. 4, pp. 510f.; idem, *Muḥallā*, vol. 7, p. 32; Ibn Qudāma, *Mughnī*, vol. 12, pp. 275–77; al-Nawawī, *Rawḍa*, vol. 1, p. 667; al-Zarkashī, *Manthūr*, vol. 2, p. 203; al-Hajjāwī, *Iqnā*, vol. 3, p. 263. See further Rabb, "Islamic legal minimalism".

41 See al-Ghazālī, *Mustasfā*, vol. 2, pp. 325ff. (also his *Iqtisād*, p. 224 and *Fayṣal*, p. 195). See also Ibn Ḥazm, *Iḥkām*, vol. 4, pp. 509, 510; idem, *Muḥallā*, vol. 7, p. 32; Ibn Qudāma, *Mughnī*, vol. 3, p. 351; al-Taftāzānī, *Sharḥ*, vol. 5, p. 229. In Shī'ite works, see for instance al-Muẓaffar, *Uṣūl al-fiqh*, vol. 3, p. 101. See further Turki, "L'ijmā' ummat al-mu'minīn".

42 al-Kulaynī, *Kāfī*, vol. 2, p. 26; al-Shahīd al-thānī, *Masālik*, vol. 14, p. 471.

43 al-Ṭūsī, *Mabsūṭ*, vol. 7, p. 283.

44 al-Iṣfahānī, *Hidāya*, vol. 1, p. 69.

the Imams from his House, with a clear and unmistakable indication.⁴⁵ To the supporters of this idea, the rejection of a decision unanimously agreed among the authorities of Islam would normally imply a rejection of the faith itself,⁴⁶ provided that the person knew of such a unanimous opinion.⁴⁷ As noted above, this condition was not mentioned by those who defined the essential components as what was universally agreed upon by the community at large since those matters were supposed to be known to every Muslim and, as such, to be beyond dispute.⁴⁸

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There was also a concept known in the both traditions as *qaṭʿiyyāt*, absolute certainties or indisputable facts or, as a fifth/eleventh century Shīʿite jurist calls them, “matters of religion that are proven beyond doubt” (*mā thabat min al-dīn qaṭʿan*).⁴⁹ These were not necessarily widely known facts that Muslims universally and uniformly agreed upon, nor would rank-and-file Muslims be expected to have knowledge of them all,⁵⁰ but they were nevertheless facts that were assumed to have been firmly established and supported by categorical proofs. One may not need to know every subtle point pertaining to the attributes of God, some of which are meticulously and minutely discussed in Islamic theology, but what about denying the validity of those points? There were lengthy discussions in theological and legal works on whether these conclusions qualified as essential components of the faith, so that the denial of any such fact might be tantamount to the rejection of the faith itself even if the person happened to be unaware of the established consensus about its irrefut-

45 See al-Zarkashī, *Manthūr*, vol. 2, p. 204; al-Kashmīrī, *Iḳfār*, pp. 74f., 78, 84 and the many sources cited therein.

46 al-Ardabīlī, *Majmaʿ*, vol. 3, p. 199; al-Najafī, *Jawāhir*, vol. 6, p. 49.

47 al-Nawawī, *Rawḍa*, vol. 7, p. 284; al-Qarāfī, *Furūq*, vol. 4, pp. 1278f.; Ibn ʿAbidīn, *Radd*, vol. 4, p. 223; al-Najafī, *Jawāhir*, vol. 6, p. 49. Cf. al-Shahīd al-thānī, *Masālik*, vol. 14, p. 471 who does not consider the condition necessary as he thinks that “what is agreed by all Muslims but is not an essential component of the faith must still be known to everyone.” This is certainly not true if he means the consensus of the scholars as against that of the community. A member of the religious rank and file is supposed to know his or her major legal obligations, but how can one expect such a person to know all cases where Muslim scholars have reached a unanimous decision?

48 See al-Anṣārī, *Ṭahāra*, vol. 5, p. 132.

49 Abū l-Ṣalāḥ al-Ḥalabī, *Kāfī*, p. 112. See also al-Māmaqānī, *Tanqīḥ*, vol. 2, p. 253.

50 al-Bazdawī, *Uṣūl al-dīn*, pp. 151f.

ability. Some scholars opted for this view, others disagreed, unless the person did it knowingly and intentionally.⁵¹

The tendency to include “indisputable facts” among the essential components of the faith encouraged many Sunnī theologians and jurists to come up with lists of doctrinal points that they thought were essential components as facts proven beyond doubt. Many examples given were controversial and disputed among the Muslim theologians of various schools. Moreover, if rejecting the validity of those doctrines implied a lack of faith in the Islamic understanding of God and/or the Prophet, as the supporters of the idea suggested, then those matters of doctrine could not be regarded as a separate category beside the two testimonies. An example is the philosophical opinion on the eternity of the world. The philosophical debates and explanations that the proponents of the idea put forward were of no interest to theologians and jurists. The simple fact that a philosopher’s statement was at face value against a common belief or a widely transmitted maxim in what came to be the orthodox creed would make it a case of apostasy even if something else was meant.⁵² There were, however, scholars who would give such a person the benefit of the doubt.⁵³

It was therefore common to find those who would define their own doctrinal preferences in matters of sectarian disputes as the essential components of Islam, thereby implying that anyone who rejected their stance should be declared an apostate.⁵⁴ Many mention such much disputed theological matters as whether the Qur’ān is the created or uncreated word of God or whether God will be seen on the Day of Judgment as examples, but some would go further and allow the same status to historical or legal matters in cases where there were well-known different interpretations across sectarian lines: those who do not recognize Abū Bakr and ‘Umar as legitimate successors to the Prophet or do not allow wiping over boots, instead of the feet, in the ritual ablution before the daily prayers,⁵⁵ were occasionally branded as

51 See al-Kashmīrī, *Ikḥār*, pp. 33, 79 and the many quotations cited therein (e.g. Ibn al-Wazīr, *Īthār*, p. 453). In Shī’ite sources, see al-Najāfī, *Jawāhir*, vol. 6, p. 46.

52 al-Ghazālī, *Iqtīṣād*, 223; Qāḍī ‘Iyād, *Shifā*, p. 1067; al-Nawawī, *Rawḍa*, vol. 7, p. 284; Ibn Daqīq al-‘Id, *Iḥkām*, vol. 2, p. 233; al-Taftāzānī, *Sharḥ al-Maqāṣid*, vol. 5, p. 228.

53 See al-Kashmīrī, *Ikḥār*, pp. 73f. and the many quotations from Islamic theological works cited therein.

54 See al-Ghazālī, *Fayṣal*, p. 175; idem, *Iqtīṣād*, p. 221.

55 This is the question of *mashī ‘alā l-khuffayn* that the Sunnis unanimously allow but the Shī’ites do not.

deniers of essential tenets of Islam.⁵⁶ At times, scholars with a sense of history reminded their colleagues that many of what in later centuries down to their own time were regarded as irrefutable facts, or even essential components of religion, were merely one of several options present in early Islam and only later began to acquire the exclusive timeless status they now enjoy.⁵⁷ One should therefore be less dogmatic about the so-called indisputable facts.

Still more extreme were those who would not even tolerate a doubt or denial of any detail of the assumed historical past, even in cases where no sectarian dispute was at stake,⁵⁸ thereby arriving at times at very unusual conclusions: There were some, for instance, who thought that whoever said that the Prophet was black should be executed as he had rejected well-received historical accounts that the Prophet was white,⁵⁹ in addition to the fact that black was a less favored color and, as such, a mark of disrespect towards him.⁶⁰ One wonders what a Prophet whose egalitarian message was so firmly based on denial of any racial discrimination would have thought of this judgment.

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As in many other religious traditions, intolerance and violent reactions in the form of excommunication on account of doctrinal differences were the norm, a default situation, so to speak, among all branches of Islam.⁶¹ Nevertheless, it was not uncommon in early Islamic centuries and later to find cases of mutual understanding and respect, and evidence of openness and accommodation among the Muslim scholars despite their major differences in matters of creed.⁶² Ibn Ḥazm in his *Naqṭ al-arūs*⁶³ and Muḥammad b. Maṣṣūr al-Murādī

56 For the first question, see al-Dihlawī, *Fatāwā*, p. 175; al-Kashmīrī, *Ikfār*, pp. 5, 51, 92–4, 122, and the many sources quoted in these two works. Cf. al-Ghazālī, *Iqtisād*, p. 225. For the second, see Taftāzānī, *Sharḥ al-ʿAqā'id al-nasafiyya*, p. 104.

57 al-Iṣfahānī, *Hidāya*, vol. 1, p. 67; al-Māmaqānī, *Tanqīḥ*, vol. 2, pp. 255, 305.

58 Cf. Ibn Ḥazm, *Iḥkām*, vol. 4, p. 511.

59 Qādī ʿIyād, *Shifā*, p. 977; al-Nawawī, *Rawḍa*, vol. 7, p. 289; al-Qarāfi, *Dhakhīra*, vol. 12, p. 22; Bahrām al-Damīrī, *Shāmīl*, vol. 2, p. 960; Ibn Ḥajar al-Haytamī, *Iʿlām*, p. 119.

60 al-Khafājī, *Nasīm*, vol. 4, p. 439.

61 This was such a widespread and well attested phenomenon that it hardly needs documentation here. See, as two examples, al-Bazdawī, *Uṣūl al-dīn*, pp. 76, 154f. for the situation in the Ḥanafī Sunnī community in Transoxania in mid-5th/11th century, and al-Māmaqānī, *Tanqīḥ*, vol. 2, pp. 256f. for the situation among the Shīʿites in the last century.

62 See also al-Ṭūsī, *Udda*, vol. 1, pp. 136–38.

63 Ibn Ḥazm, *Naqṭ*, pp. 113–15. See also al-Jāhiz, *Bayān*, pp. 46f. and al-Masʿūdī, *Murūj*, vol. 4, p. 28 for individual cases.

al-Kūfī in his *Kitāb al-Jumla wa-l-ulfa*⁶⁴ provide interesting examples of earlier Muslims from different schools of thought who, in spite of holding radically different doctrinal views, established strong bonds of friendship with each other, never permitting their opposing theological and sectarian stances to adversely affect their personal dealings.

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64 As quoted in Ibn al-Wazīr, *Tarjīḥ*, pp. 27–31. Muḥammad b. Maṣṣūr al-Murādī's work has chiefly survived in quotations in *al-Jāmi' al-kāfī* by Abū 'Abd Allāh Muḥammad b. Alī al-Kūfī (d. 445/1053–4) (*ibid.*, p. 19).

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Abandoning Prayer and the Declaration of Unbelief in Imāmī Jurisprudence

Robert Gleave

Reports from the Shīʿī Imams, as found in the early Imāmī collections of *akhbār*, assert that the one who abandons prayer (*tārik al-ṣalāt*) is an unbeliever (*kāfir*). The same assessment is, of course, known from Sunni *ḥadīth* and debated in subsequent juristic discussion.¹ The appropriate characterisation of the relationship between failure to observe the prayer ritual and the categorisation of unbelief (*takfīr*) involves a complex interaction of theological and legal issues. First, there is the discussion over what constitutes “abandoning prayer” (“Must it be habitual, or is a single instance sufficient?”, “If done unintentionally, does this affect the ruling of unbelief?” and so on). Next, there are larger theological issues at stake. Whether actions (*aʿmāl*—either the commission of a prescribed act, or the omission of an obligatory act) constituted an element of belief (*īmān*, *iʿtiqād*) was a well-known dispute in early Islam with many different views and formulations of positions from the Murjiʿī to the Khārijī. The various views over whether the *tārik al-ṣalāt* is a *kāfir*, as the *ḥadīth* reports indicate, are inevitably linked to views on the *īmān-aʿmāl* debate. The dispute continues in Salafī circles in the modern period, causing not a little friction between various strands of Salafism.²

In this contribution, I examine the disputes over the *tark al-ṣalāt* = *kufur* equation in the statements of the Shīʿī Imams (*akhbār*) and subsequent Imāmī juristic literature (mainly *fiqh*), focussing on a detailed examination of the issue in a late Imāmī *fiqh* book from the Akhbārī tendency. The discussions in the non-Shīʿī traditions (Sunni, Salafī, Ibādī) display both similarities and differences with the Imāmī Shīʿī *fiqh* tradition, demonstrating nicely the need for both comparative and tradition-specific elements of any analysis of Shīʿī legal thought, though a full comparative analysis will not be attempted here.

¹ Katz, *Prayer*, pp. 162–164.

² Lav, *Radical Islam*, pp. 86–119.

1 Abandoning Prayer and Unbelief in the Imāmī *ḥadīth* Corpus

By my reckoning, there are fifty or so reports in the Imāmī *ḥadīth* corpus which explicitly reference one who abandons prayer, and either describe him as an unbeliever, or use a similar locution. Within this corpus, one can identify in some reports legal and theological sophistication and development; other reports appear purely hortatory, encouraging action with rhetoric and hyperbole rather than legal analysis. The reports fall into three formulaic structures, though within each category there are groupings of fewer reports.

1. Our intercession will not be conferred upon anyone who does not take our prayer seriously (*mustakhiffan bi-l-ṣalāt*).³

In some reports the phrase stands alone, attributed to the Prophet⁴ or one of the Imams, Muḥammad al-Bāqir (d. 114/732 or 126/743)⁵ or Ja'far al-Ṣādiq (d. 148/765).⁶ At other times it is set within a narrative, such as:

Abū Baṣīr said, "I visited Umm Ḥamīda, and I consoled her over the death of al-Ṣādiq. She cried, and I cried with her. She then said, "O Abū Muḥammad, when I saw [Ṣādiq] close to death, I witnessed an amazing thing: he opened his eyes and said to gather around him everyone with whom he had had a close relationship." She continued, "We did not leave anyone out, and he looked at them and said, "Our intercession will not be conferred upon anyone who does not take our prayer seriously."⁷

Since, in Imāmī *ḥadīth* literature, the intercession of the Prophet and the Imams is available for all true believers, the exclusion of the *tārik al-ṣalāt* from intercession is, in effect, a declaration of unbelief on their part. This is confirmed in some versions where the phrase is supplemented by the phrase "and [the *mustakhiff*] will not encounter al-Ḥawḍ. No! By God",⁸ indicating that he will not gain the benefits of Paradise. In one version, attributed to

3 Kulaynī, *Kāfī*, vol. 3, p. 270; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, vol. 1, p. 206.

4 Barqī, *Maḥāsīn*, vol. 1, p. 80.

5 Ṭūsī, *Tahdhīb*, vol. 2, p. 365.

6 Ibn Bābawayh, *Thawāb al-a'māl wa-'iqāb al-a'māl*, p. 228.

7 Ibn Bābawayh, *Amālī*, p. 290. Also Barqī, *Maḥāsīn*, vol. 1, p. 80.

8 Kulaynī, *Kāfī*, vol. 6, p. 401.

the Prophet, the phrase concerning prayer is mirrored by a phrase concerning intoxicants: “The one who drinks intoxicants will not receive our intercession, and he will not encounter al-Ḥawḍ. No! By God.”⁹

A further variant of this exclusion of divine grace or salvation for the *mus-takhiff bi-l-ṣalāt* is the report from Ṣādiq, transmitting from the Prophet: “He who does not take prayer seriously is not one of mine, and he will not encounter al-Ḥawḍ”, and neither will the one who drinks intoxicants, according to the report.¹⁰

Not taking prayer serious refers, clearly, to more than simply omitting to perform it (*taḍyīr*), but also attempting to bend the rules of its performance for one’s own convenience. For example, Imam al-Riḍā (d. 203/818), in association to the Prophetic *ḥadīth* “he is not one of mine”, is reported as saying that he said this in reference to “you who are lazy concerning [prayer], or slack, or neglect its duties, or ignore its limits and restrictions, or pick at it like a hen pecks, do not take it seriously (*tastakhiff*), or do some other worldly business instead of it, or pray it at the wrong time.”¹¹ Similarly, we have the report of Ṣādiq that the Prophet, on his deathbed, said, “He who delays his prayer until after the appointed time will not receive our intercession.”¹² Abandoning prayer completely (*tark al-ṣalāt*) is here supplemented by intentionally attempting to reduce prayer’s demands for the sake of convenience—in this sense *istikhfāf* is not simply to disregard or deem irrelevant—it is to aim to reduce its demands upon the individual. Literally *istikhfāf* can be glossed as “seeking lightening” or a “seeking a discount” in the duties required by the individual believer. It is this disrespect for the law and the attempt to bend it for one’s personal benefit and convenience which leads, eschatologically speaking, to a loss of the intercession of the Prophet and Imams, and ultimately an exclusion from Paradise.

2. The only thing between faith and unbelief is abandoning prayer.¹³

Reports with this phrasing pattern come in variant forms including “The only thing between the Muslim and him committing unbelief is missing an

9 Ṭūsī, *Tahdhīb*, vol. 2, p. 364 and vol. 9, p. 107.

10 Kulaynī, *Kāfī*, vol. 3, p. 269.

11 *Fiqh al-Riḍā*, p. 101.

12 Barqī, *Maḥāsīn*, p. 79 and Ibn Ṭāwūs, *Falāḥ al-Sā’il*, p. 127.

13 Ibn Bābawayh, *Thawāb al-a’māl wa-’iqāb al-a’māl*, p. 251. This report is transmitted via Jābir b. ‘Abd Allāh al-Anṣārī, making it one of Kohlberg’s “unusual” transition chains. See Kohlberg, “An Unusual Shī’ī *isnād*”.

obligatory prayer”,¹⁴ and “Between obedience and unbelief is abandoning prayer.”¹⁵ The clearly rhetorical use of “only” in some of these reports (*mā... illā*) posed, as will become clear in what follows, some exegetical problems for the jurists since it seemed to indicate that only abandoning prayer would lead to unbelief, and not other sinful acts.

3. Whoever abandons prayer is an unbeliever (*man taraka al-ṣalāt, fa-huwa kāfir*).

This is probably the most common report type, with a number of variations including:

Prophet: “Whoever misses prayer is lost, along with Qārūn and Hāmūn [var. ‘and Far‘ūn’].”¹⁶

Prophet: “Whoever abandons prayer intentionally will be separated by me from the community of Islam.”¹⁷

Prophet: “Whoever abandons prayer intentionally (*muta‘ammidan*) without a [good reason] is removed from the protection of God and his Prophet.”¹⁸

Prophet: “Whoever abandons prayer has no hope of reward for it, and has no fear of being punished for it.”

‘Alī: “He who omits prayer will be more negligent with other [duties] . . .”¹⁹

Fāṭima: “Whoever is negligent in prayer, either man or woman, is afflicted with 15 qualities. . . .”²⁰

The use of the caveat “intentionally” (*muta‘ammidan/qāṣidan*) is, probably, the result of juristic discussion: the distinction between this and missing prayer out of forgetfulness is one recognised in later *fiqh*. These statements are often embedded in a longer narrative, such as:

14 Barqī, *Maḥāsin*, p. 80, see also Ibn Abī Shayba, *Muṣannaḥ*, vol. 7, p. 222 and Muslim, *al-Ṣaḥīḥ*, vol. 1, p. 63.

15 This prophetic *ḥadīth*, cited by Shī‘ī authors (e.g. al-Shahīd al-Awwal, *Dhikrā*, vol. 2, p. 407) is found in Sunnī *ḥadīth* collections. See, e.g., Muslim, *al-Ṣaḥīḥ*, vol. 1, p. 88.

16 Ibn Bābawayh, *‘Uyūn akhbār al-Riḍā*, vol. 2, p. 35.

17 See Kulaynī, *Kāfī*, vol. 2, pp. 287 and 387. See also Ibn Abī Shayba, *Muṣannaḥ*, vol. 3, p. 134.

18 Kulaynī, *Kāfī*, vol. 2, p. 287; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, vol. 3, p. 564 and idem, *‘Uyūn akhbār al-Riḍā*, vol. 2, p. 259.

19 Thaqafi, *Ghārāt*, p. 55.

20 Ibn Ṭāwūs, *Falāḥ al-Sā‘il*, p. 22.

The Prophetic statement, transmitted through Imam 'Alī: Do not omit prayer. Whoever misses prayer is lost, along with Qārūn and Hāmūn [var. and Far'ūn]. God has the right to send him to burn with the hypocrites. Woe to him who does not preserve his prayer or his performance of the *sunna* of the Prophet.²¹

The phrase often appears linked with an exegesis of Qur'ān 5:5: *wa-man yakfuru bi-l-īmān faqad ḥabiṭa 'amaluhu*, which has a similar format. This verse is often understood as meaning "He who has denied faith, his action is wasted."²² It is clear, though, that the phrase "he who has denied faith" needs some explication. The understanding within the reports in the Imāmī corpus turns on the definition of denial (another, perhaps the original, connotation of the term *kufṛ*) and belief (*īmān*):

[Ja'far] was asked about the verse [Qur'ān 5:5], and he said, "[It refers to] he who abandons an action to which he was already committed. Amongst these is him abandoning prayer without [the excuse of] being sick or being otherwise occupied ['or inebriated,' according to one variant]."²³

It seems likely that the caveat at the end ("without [the excuse] of being sick or otherwise occupied") is a legally inspired interpolation, as the general statement "whoever misses/abandons prayer is an unbeliever" is rather categorical, when the *fiqh* lays out occasions on which prayer can be missed, and the means whereby that transgression might be made up. One finds this necessary proviso in other related reports:

[Ja'far] was asked about the major sins [*kabā'ir*], and he said, "they are in the *Book of 'Alī* and they number seven: Denial/Unbelief in God (*al-kufṛ bi-Llāh*), suicide, disobedience of one's parents, taking interest after an agreement, consuming the wealth of orphans out of evil [intent (?)], desertion, migrating to a non-Muslim environment." [The questioner] said, "And these are the greatest forms of disobedience?" He replied,

21 Ibn Bābawayh, *Uyūn akhbār al-Riḍā*, vol. 1, p. 35.

22 One can see this in the translations of this verse, for example, Pickthall: "Whoso denieth the faith, his work is vain and he will be among the losers in the Hereafter"; Yusuf Ali: "If any one rejects faith, fruitless is his work, and in the Hereafter he will be in the ranks of those who have lost (all spiritual good)."

23 Kulaynī, *Kāfī*, vol. 2, p. 384; var. vol. 2, p. 383. See also Ibn Abī Shayba, *Muṣannaḥ*, vol. 7, p. 223.

“Yes”. [The questioner] said “So why do you not count abandoning prayer as one of the major sins?” He said, “What was the first one I mentioned?” [The questioner] said, “*kufīr*”. He said, “The one who abandons prayer is an unbeliever, meaning *without a reason*”.²⁴

The last phrase (“without a reason”) may well be an interpolation, and it is not clear whether the phrase is attributable to the Imam himself, the interlocutor or the hadith compiler (in this case Kulaynī (d. 329/940)). It indicates though that the slogan “*tārik al-ṣalāt kāfir*”²⁵ was subject to some juristic processing during the composition of the *akhbār* and that its initial general statement was in need of specific particularisation.

Intuitively, abandoning prayer seems a lesser sin than other transgressions stipulated in the revelatory corpus. The bald rule that the one who fails to pray is an unbeliever clearly needed legal elaboration:

Musā‘da b. Ṣadaqa said, that he heard [Ja‘far] being asked: “How is it that the fornicator (*al-zānī*) is not called a *kāfir*, but the one who abandons prayer is a *kāfir*? What is the proof here?” He said, “Because the fornicator, and those like him, do what they do because of the emergence of desire, and because that overwhelms him. The one who abandons prayer only does it because he does not take it seriously. This is why one will only find a fornicator visiting a woman because he enjoys visiting her, and it is her he desires. Anyone who abandons prayer intends to do it, and does not intend to do so out of any desire. If there is no desire, then there is a flippancy (“not taking it seriously”, *istikḥfāf*). Wherever there is flippancy, there is unbelief.”²⁶

The intuitive unfairness between the classification of the one who abandons prayer (*kāfir*, unbeliever) and the fornicator (*fāsiq*, miscreant) is questioned further, for if it is so serious a sin, why is abandoning prayer not one of the stipulated crimes with specific punishments, *ḥudūd*?

[Ja‘far] was asked: “What is the difference between someone who looks at a woman and then fornicates with her, or [sees] wine and drinks it, and the one who abandons prayer? [Why] are the fornicator and the wine-drinker not considered to be disrespecting the law (*mustakhiff*) in the

24 Emphasis added. Kulaynī, *Kāfī*, vol. 2, p. 278.

25 Kulaynī, *Kāfī*, vol. 2, p. 279; a similar report is cited in Ibn Ḥibbān, *Thiqāt*, vol. 8, p. 28.

26 Kulaynī, *Kāfī*, vol. 2, p. 386.

same way as one who abandons prayer? What is the proof here and what is the reason for this discrepancy?"²⁷

This question appears as an embellishment of the one just cited; the Imam's answer is similarly more precise:

The proof is as follows. Not everything you do comes about because of an urge or a desire overwhelming you, as is the case with fornication and wine-drinking. You actually decide yourself to abandon prayer; there being no desire on your part, means that this is specifically a case of "not taking it seriously". This is the difference between the two categories.²⁸

One has here a rudimentary theory of how desire (*shahwa*) relates to intention (*qaṣd*), and the legal effects of this distinction, which shows a level of juristic reflection, and a need to justify what appears, at first blush, to be an unjust distinction. The use here of the term *mustakhiff* and *istikhfāf* ("not taking it seriously", "not observing it"), also found in the "intercession" type reports, (*man istakhaffa bi-l-ṣalāt...*) is not exclusively used for prayer. In one report, an unidentified man tells Muḥammad al-Bāqir of another man (also unidentified) who is ruining himself, committing forbidden acts and "does not take the obligatory duties seriously, even not performing prayer" (*wa-stakhaff bi-l-farā'id hattā annahu taraka al-ṣalāt*).²⁹ The Imam replies that abandoning a prescribed prayer (*al-ṣalāt al-maktūba*) is serious (*ʿazīm*), and (according to one variant) adds an "intercession" phrase (*inna shifāʿatanā lā tanālu mustakhiffan bi-l-ṣalāt*). Exactly how unobservant one has to be to be considered *tārik al-ṣalāt* is, of course, left undefined. The notion of *istikhfāf* used here, though, refers to the inner disposition which is concomitant with *kufṛ*, and is, it appears from these statements, to be distinguished from sins committed in the heat of passion or under the compulsion of the will. *Istikhfāf* is, then, a refusal to take the laws of prayer seriously—either not to perform them properly, or not perform them at all (as one report says, "to abandon it, and to be slack with it": *al-tark lahā wa-l-tawānī ʿanhā*). It displays a sort of arrogance, in not expecting this to matter in the reckoning of God.

There are, within these reports, many similarities (both in terms of wording and in substance) with reports attributed to the Prophet in other *ḥadīth* collections. This similarity might indicate, for some, the unoriginality of the

²⁷ Ḥimyarī, *Qurb al-isnad*, p. 47.

²⁸ Ḥimyarī, *Qurb al-isnad*, p. 47f.

²⁹ al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, vol. 1, p. 63.

Shī'ī *ḥadīth* corpus. On the other hand, the resonance with the Sunnī material does not necessarily make the Shī'ī material derivative. It could be argued the other way around, since the Imams to whom most of the material is attributed (namely, Muḥammad al-Bāqir and Ja'far al-Ṣādiq, though some are transmitted from the Prophet through these two Imams) both predate the earliest collections of Prophetic reports. The evidence does not, yet, indicate this, but my point is simply that the similarity in *ḥadīth* material should not make one think of imitation immediately, but rather that the environment in which the reports first emerged was one where reports of legal import were circulated within juristic circles which included scholars of both Sunnī and Shī'ī leanings (to the extent that these can be distinguished at this early period). That is, one can postulate the existence of a common reservoir of legal dicta, accessed by different scholars for different purposes, and (as we can see in the above reports) individual reports could experience interpolation and adjustment in response to their employment in legal argumentation. For those within the tradition, the similarity is unsurprising given that the Imams' message is not distinguished from that of the Prophet.

2 Imāmī Jurisprudence on Unbelief and Abandoning Prayer

Making a distinction between revelatory corpus (Qur'ān, *ḥadīth*, *akhbār*) and jurisprudence is, to an extent, artificial with regard to Imāmī law (and perhaps with regard to Sunnī law also).³⁰ As we have seen, juristic concerns are already evident in the reports attributed to the Imams, where caveats are inserted to modify a categorical statement, distinctions are introduced through adverbial qualifiers and occasionally reasoning is worked through and presented. The use of terms such as *ḥujja* and *'illa* ("proof" and "ratio" respectively) are at the very least semi-technical. From a perspective internal to the tradition, this is not surprising, as the Imams were revealing not only rulings, but also (perhaps with a view to their future absence) the reasons for the rulings.

In his *Kitāb al-Khilāf*, Muḥammad b. al-Ḥasan al-Ṭūsī (d. 460/1067) explains the differences between the Imāmī and other schools on the treatment of the one who abandons prayer.³¹ He portrays Aḥmad b. Ḥanbal (d. 241/855) and the Ḥanbalīs as arguing that missing prayer is in itself *kuf'r*, and therefore the *tārik al-ṣalāt* is to be killed as an apostate. The other Sunnī schools, though, are

³⁰ See generally, Gleave, "Between *ḥadīth* and *fiqh*".

³¹ Ṭūsī, *Khilāf*, vol. 1, p. 689 and vol. 5, p. 359.

described as either giving the *tārik al-ṣalāt* some chances to reform his behaviour (Shāfi'is give two chances, Mālikīs give three) or simply putting him in prison (as the Ḥanafīs propose). In Ṭūsī's description, then, only the Ḥanbalīs move straight to execution on the abandonment of prayer, and if accurate, this would be linked to their view that actions form an element of faith. Ṭūsī contrasts this with the Imāmiyya and the other schools, all of whom have an underlying notion of the separation between the two. This forms the majority view for Ṭūsī, and for these one only moves straight to execution if the *tārik al-ṣalāt* not only does not pray (intentionally), but also believes that prayer is not obligatory. Ṭūsī states it plainly

He who abandons prayer, believing that it is not obligatory, is a *kāfir* and it is obligatory to kill him. On this there is no dispute. If he abandons it out of laziness or slackness, believing it forbidden to abandon it, then he is a miscreant (*fāsiq*) and it is not obligatory to kill him.³²

Unbelief is determined not by the abandonment of prayer, but the attitude towards abandonment. This, though Ṭūsī does not yet use the term, is the *istiḥlāl* condition. He expands on the juristic discussion in more detail in his *al-Mabsūt*:

He who abandons prayer without an excuse so that the time for performing it passes, should be asked why he missed it. If he says, "Because it is not obligatory, and I do not believe it is obligatory" then he has apostatised, and it is obligatory to kill him. This is not disputed. No one should pray over him and he cannot be buried in a Muslim cemetery. His wealth is to be distributed to his Muslim inheritors, and if he has no inheritors, then in our view it should be given to the Imam, though the jurists [of the Sunnis] say it should be given to the Treasury.

If he says, "I didn't know it was obligatory" or something like this, he is excused, just as if he is a recent convert and he knows that he should do it. Even though [the recent convert] believes it to be obligatory, he fails to do it. If he says that he does not believe it to be obligatory, then he falls into the first category above [i.e. as an apostate].

If he says, "I forgot to do it", then one says to him, "Pray it now". If, after your telling him this, he says "I am not able to do it because I am sick",

32 Ṭūsī, *Khilāf*, vol. 5, p. 359.

then you say [to him], “Pray it however much you are able, standing or sitting or lying down, or in whatever way you are able.”

If he says, “I accept that it is obligatory, and I assent to that, and I am able to do it, but I don’t have the energy to do it” or “I am too lazy to stand up” and he keeps on doing this until the time [for prayer has passed] and he [still] refuses to do it, he is ordered to make up for his prayer [with a compensatory prayer]. If he still does not do that [compensatory prayer], then he is given a discretionary punishment (*taʿzīr*). [If] he then gives up and prays, then he has fulfilled his duty; but if he maintains this position until he has missed three prayers, and he has been given the discretionary punishment three times, then he is killed on the fourth offence. This is in accordance with what is related from the Imams. That is, that those who commit major sins, should be killed on the fourth offence. This is the same for all major sins, though they should not be killed until they have been asked to repent. If they repent, [then they are spared]. But if they do not repent, then they are killed, wrapped in a burial shroud and prayed over. Their inheritance is for their Muslim inheritors, and if they have no inheritors, then it is given to the Imam. They are buried in a Muslim cemetery.³³

For Ṭūsī, the declaration of unbelief (*takfīr*) and apostasy (*irtidād*) in this case of abandoning prayer depends upon the condition that the one who abandons prayer believes it is acceptable to do so. This condition is, perhaps, implied by the use of the term *istikhfāf* (“to think something insignificant” or “unnecessary”; here perhaps it might be rendered “to try and reduce the burden of obedience to the law”; on this see below). In later Imāmī *fiqh*, this was given the term *istiḥlāl* (“to consider something permitted”). The condition is undoubtedly linked to the juristic treatment of dissimulation (*taqīyya*), which is presented in some detail in the reports from the Imams and became a much-publicised doctrine of the Shīʿa generally. For *taqīyya* to operate within a legal framework, the division between works and faith must be absolute, since under *taqīyya* the believer is permitted to transgress the law (within certain limits) without penalty, providing their inner belief state remains true. The link, though, is not explicitly made either in the reports or in early *fiqh*, and it appears to have been part of the general employment of a works-faith division operative in early Imāmī legal discussions.

33 Ṭūsī, *Mabsūṭ*, vol. 1, pp. 128f.

There are, of course, adjacent and linked discussions over what to do with an apostate (*murtadd*). Along with most jurists, Ṭūsī makes the distinction between the *murtadd* who was born into Islam, and the convert. Once the apostasy is proven, the one born into Islam (*fiṭrī*) is to be killed with no hope for repentance, whilst the convert who then apostatises is to be given the chance to repent, and if he does so, is spared. However, there is no link, yet, made between these rules concerning *irtidād* and the rules concerning *tārik al-ṣalāt*. Abandoning prayer is unbelief, but not (yet) classed as apostasy.

Al-Muḥaqqiq al-Ḥillī (d. 676/1277), writing two centuries later, after a supposed hiatus in Imāmī *fiqh* writing, makes the link:

If the one who abandons prayer considers it lawful (*mustaḥallan*), then he is killed, if he was born a Muslim. He is asked to repent if he is a convert, and if he refuses, then he is killed. If he claims any ambiguity of understanding, then the *ḥadd* [i.e. the execution] does not apply to him. If he does not think it lawful, then he is given a discretionary punishment. If he does it again, then he is given the same again; and if again for a third time, then he is killed. Some say he is [killed] on the fourth occasion, and this is the more cautious [course of action].³⁴

Here Muḥaqqiq makes the direct connection with the rules concerning apostasy—so abandoning prayer *and considering it licit to do so* has the same legal consequences as apostasy. Indeed, it may be considered a form of apostasy (Muḥaqqiq makes the same argument concerning the one who consumes wine and considers its consumption permitted).³⁵ Also significant here, in terms of legal development, is the use of the term *istiḥlāl* (“to consider something licit”) and the recognition of dispute between whether the third or fourth offence by the lazy or negligent worshipper occasions execution. These were to be mentioned in almost all subsequent discussions of abandoning prayer and its link with apostasy.

Furthermore, there is an insertion here of the explicit stipulation that discretionary punishment must follow the missed prayer in order to allow execution to take place on the fourth occasion. This not only introduces an added caveat which makes execution less likely (i.e., there needs to be a case, with proof and a judge's decision to punish for each missed prayer). It also raises, implicitly, the often analysed discussion concerning the legitimacy of judicial

34 Muḥaqqiq, *Sharāʿī*, vol. 1, p. 92.

35 Muḥaqqiq, *Sharāʿī*, vol. 4, p. 950.

power in the absence of the Imam. If there is an absence of such legitimacy, then any execution, for apostasy or for failure to pray, cannot take place.

Al-ʿAllāma al-Ḥillī (d.726/1325) in his *al-Muntahā* writes:

The one who abandons prayer believing [abandoning it] to be licit is to be killed. There is no dispute in this—because he has denied a matter of religion which is known with irresistible certainty, and so he is an apostate.³⁶

Here not only is the explicit link made between *tark al-ṣalāt* and *irtidād*, the reasoning behind abandoning prayer being an instance of apostasy is also explained. In this sense, there is nothing particularly special about abandoning prayer and thinking it licit to do so. One could, as Muḥaqqiq had already done implicitly, say this of anything which is established with irresistible certainty in a matter of religion (*min al-dīn ḍarūran*).

The juristic exposition of the issue was supplemented by minor details by subsequent jurists. Al-Shahīd al-awwal Muḥammad b. Makkī (d. 786/1384), for example, says that if the person thinks abandoning prayer is licit because he only converted recently, this constitutes an element of doubt (*shubha*) and the *ḥadd* is not carried out.³⁷ ʿAbd al-ʿĀlī ʿAlī al-Karakī (d. 993/1585) adds that if he not only thinks abandoning prayer to be licit, but also “any prerequisite [for prayer] upon which there has been agreement” (*sharṭan mujmaʿ ʿalayhi*) then he is an apostate.³⁸ The same elaboration is found in the *Rawḍ al-janān* of al-Shahīd al-thānī (d. 966/1559).³⁹

The Imāmī jurists have struggled with the apparent singling out by the Prophet and the Imams of *tark al-ṣalāt* as *kufṛ* and leading to execution. The straightforward statements in the revelatory corpus, even when accompanied by minor provisos (e.g., he must miss prayer intentionally, and not simply out of forgetfulness) appear to contradict other areas of the *fiqh*, where there are extensive regulations for “making up” missed prayers (*qadāʾ*), or performing compensatory elements in the repeated prayer rituals (*kaffāra*). The justification for the order to execute the *tārik al-ṣalāt* was, then, linked gradually and though accretion of argumentation and presentation, to the notion of apostasy, since the person must not only miss prayer but also deem it licit to do so (*istiḥlāl*). This means that the Imams were simply giving an example of the sort

³⁶ ʿAllāma al-Ḥillī, *Muntahā*, vol. 1, p. 424.

³⁷ al-Shahīd al-awwal, *Dhikrā*, vol. 2, p. 407.

³⁸ Karakī, *Jāmiʿ al-Maqāṣid*, vol. 2, p. 494.

³⁹ al-Shahīd al-thānī, *Rawḍ al-Janān*, pp. 354f.

of action, which if performed and also deemed licit by the individual, leads to a declaration of *takfīr*, and hence apostasy, and hence a justified judgment of execution. This development was not, however, to remain unchallenged.

3 Other Conceptions of the *kufr-tark al-ṣalāt* Link

There is, it should be said, an alternative Imāmī position to that laid out in the previous section. This view is found within the writings of scholars loosely associated with the Akhbārī tendency. In his *Biḥār al-anwār*, Muḥammad Bāqir al-Majlisī (d. 1110/1699 or 1111/1700), who is not universally recognised as an Akhbārī, cites all the relevant *ḥadīths*, and the passage from al-ʿAllāma al-Ḥillī's *al-Muntahā* quoted above. ʿAllāma and the rest of the developed Uṣūlī tradition understands these reports to contain an implicit condition: that is, that the *tārik al-ṣalāt* is a *kāfir* only if he considered abandoning prayer to be permitted. Majlisī is unconvinced:

Interpreting these reports as referring only to the one who considers [abandoning prayer] permitted is far-fetched. If this were so, then there would be no difference between abandoning prayer and committing *zinā*. It is clear that they have to be understood according to one of the meanings of *kufr* outlined already in the *Chapter on Belief and Unbelief*. Namely, the [*kufr*] which is the opposite of belief. Belief refers to a certainty which a believer has, and with which it is not possible for him to abandon an obligatory duty and perform a great sin unless there is a good reason for doing so. With this type of *kufr* [i.e., if he denies the obligation which is known with certainty], it is not obligatory for him to be killed; nor is he impure; and neither does he deserve an eternity in the fire. He is, however, due punishment, either in the form of the *ḥadd* or in the form of chastisement in this world, and he will receive severe punishment in the next.⁴⁰

Majlisī, in the passage referred to here and found in the *Kitāb al-Īmān wa-l-kufr* of the *Biḥār al-anwār*,⁴¹ outlines various types of *kufr*, only one of which requires execution (as a form of apostasy). The reports concerning the *tārik al-ṣalāt* being a *kāfir* do not need to be interpreted as referring to this type of *kufr*. Whilst the juristic tradition up to Majlisī treat all *kufr* as a single legal

⁴⁰ Majlisī, *Biḥār*, vol. 79, p. 215.

⁴¹ Majlisī, *Biḥār*, vol. 69, p. 74.

phenomenon, Majlisī casts doubt over the assertion that there is a single type of *kufṛ*.

The doubt expressed by Majlisī is developed yet further by Yūsuf b. Aḥmad al-Baḥrānī (d. 1186/1772). He presents a most rigorous exposition of the relationship between the *ḥadīth* corpus and any jurisprudence which may be deduced therefrom. He discusses the issue of whether the one who abandons prayer should be called an unbeliever in two places in his influential work of *fiqh*, *al-Ḥadā'iq al-Nāḍira*—the first when discussing the impediments to the correct performance of prayer and again when discussing who must, and who need not, make up (*qaḍā'*) for missed prayers.⁴² Baḥrānī's principal reason for rejecting the Uṣūlī view is, like with Majlisī, the problematic incorporation of the *istiḥlāl* condition. This incorporation, he believes, is unjustified, as it has no indication within the sources. Instead, he wishes to re-affirm the well-known three-fold division of *īmān-islām-kufṛ* ("belief"- "islām"- "unbelief"), and within this schema the last of these is "real unbelief" (*al-kufṛ al-ḥaqīqī*) whilst it is possible to have other forms of unbelief at other levels (in particular, at the level of *islām*).

In his initial treatment of the issue, Baḥrānī begins with the report, translated above, which compares the categorisation of the fornicator and the one who abandons prayer. This report, he surmises, indicates that anyone who does not pray because of slackness or deeming it unworthy of serious attention (*tahāwanan wa-l-istikhfāfan*) is a *kāfir*. This, he submits, is also the message given by other reports, a sample of which he cites (including the report on seven great sins in the *Book of 'Alī* and the "between Islam and *kufṛ*" reports mentioned above). The key thing to remember, Baḥrānī advises his audience, when reading these reports, is that the term unbelief (*kufṛ*) has a number of different meanings, and these are not the "well-known and immediately understood meaning" (*al-ma'nā al-mashhūr al-mutabādir*). Here his analysis echoes, and at times explicitly references, that of Majlisī.

Baḥrānī identifies four different type of *kufṛ*, and one must deduce which is being referred to in each instance. First, there is *kufṛ al-juḥūd*—unbelief consisting of ingratitude. This is not explained, but is the mechanism whereby apostasy (*irtidād 'an al-dīn*) is demonstrated. Second, there is *kufṛ al-ni'ma wa-'adam al-shukr 'alayhā*—a denial of the gracious things God has provided for his people. Third there is *kufṛ al-barā'a*—a disassociation of one person by another. Finally, there is the *kufṛ* in which one abandons the things God has ordered. This last type of unbelief is characterised by a refusal to perform the obligatory duties and the performance of forbidden acts. Baḥrānī claims that

42 Baḥrānī, *Ḥadā'iq*, vol. 6, pp. 15–20; vol. 11, pp. 14f.

all of these can be found used within the *akhbār* of the Imams, and therefore precision is needed when determining which is being used.

Of these, only the last is the opposite of “belief” (*īmān*). Belief is defined by Baḥrānī as “the confession of the tongue, the faith in the heart and the performance of the fundamental duties” (*al-iqrār bi-l-lisān wa-l-i’tiqād bi-l-janān wa-l-‘amal bi-l-arkān*), a formula, one suspects, composed as much for its rhyme as for the specificities of its content. In asserting this definition of belief, he considers himself to be re-establishing an early conception of *īmān*, and rejecting the conception of the (by implication) more recent view:

This position we have adopted agrees with a group of the early scholars, including al-Ṣadūq [Ibn Bābawayh d. 381/991] and al-Shaykh al-Mufid [d. 413/1022]. As for the better-known position amongst our colleagues in which actions are removed from belief, then for him, [the one who abandons prayer] is a believer. Even though he will face punishment in the next world, he will enter heaven, and intercession will be successful [for him].⁴³

Baḥrānī means here that those who commit transgressions of the law lose their status as *mu’min*, because actions are part of belief, and one specific meaning of the word *kufr* could be applied to them. However, this does not mean they are “true” unbelievers. Rather they hold an intermediate position between *īmān* and *kufr*, that of *islām*: they are simply *muslims*.

The volume of reports in which the failure to perform prayers is linked to *kufr* is such that the view of most previous jurists (that the Imams are referring to not just abandoning prayer but *istiḥlāl* also) is unconvincing. As Majlisī has already argued, if *istiḥlāl* was a supposed hidden condition within the reports, then there is no difference between abandoning prayer and committing fornication in terms of belief status (in both cases, apostasy is only proven when there is *istiḥlāl*). For Baḥrānī is it “more convincing that there is a particularisation of prayer in this ruling [of *kufr*]. This is that abandoning it does lead to true unbelief (*al-kufr al-ḥaqīqī*)”.⁴⁴ The Imams describe the difference between abandoning prayer on the one hand, and committing fornication or drinking wine on the other. They made an explicit distinction between the two types of transgression, with *tark al-ṣalāt* being picked out for special treatment. “To oppose this solely because one thinks it unlikely, when the reports clearly indicate that this is the case, is nothing more than a departure from the path of the

43 Baḥrānī, *Ḥadā’iq*, vol. 6, p. 16.

44 Baḥrānī, *Ḥadā’iq*, vol. 6, p. 19.

right", says Baḥrānī with a rhetorical flourish.⁴⁵ He ends with a note of concern as to how these legally sensitive rules might be used by preachers who stir up the people. Some foolish people (*rāqī'*) might argue that since there is no difference between omitting prayer and performing a valid prayer, all the common folk (*jumhūr al-nās*) are, effectively, *kuffār* because, as is obvious, many of them do not perform valid prayers. However, since there is, for Baḥrānī, a legal difference between an invalid prayer and an omitted prayer, there should be no general *takfīr* of the population for their failure to observe the rituals of prayer completely accurately.⁴⁶

Later, Baḥrānī explores further some of the issues emerging from the judgment of *kufṛ* on the one who abandons prayer:

If he is one who was born a Muslim (*fiṭrat al-islām*), then he is to be killed without being asked to repent. This is because he is a *murtadd*, for he has denied something which is proven within the religion by necessity. Execution is amongst the rules for the *fiṭrī* apostate, even if he does repent. However, the reports indicate, as has already been mentioned, unbelief is unconditionally decreed [for the apostate] without the stipulation of *istiḥlāl* ... There is nothing which presents us, as we explained, from interpreting this as unbelief in its real meaning (*al-ma'nā al-ḥaqīqī*).⁴⁷

Apostasy is a denial of religious truths demonstrated by necessity (*ḍarūrī al-dīn*) such that their truth is, for one inside of the Muslim community, undeniable. The obligation to pray is one such necessary truth, and, for Baḥrānī, the *akhbār* of the Imams demonstrate that abandoning prayer leads to an immediate declaration of unbelief. The introduction of the *istiḥlāl* condition by previous jurists, for Baḥrānī, appears an unwarranted barrier to the *takfīr*, which is not justified in the *akhbār*. It comes from trying to integrate the rules

45 Baḥrānī, *Ḥadā'iq*, vol. 6, p. 19.

46 Baḥrānī does entertain the possibility that the singling out of prayer might be a rhetorical device in some reports, emphasising its high status within the obligatory duties, but with no special causal status with respect to true unbelief. He considers the two reports, referenced earlier, in which Qur'ān 5:5 is explained, and admits they possibly indicate this. However (and this is where his typology of unbelief comes into play), they can be seen as "referring to the *kufṛ* of neglect," the fourth type in his categorisation of *kufṛ*, in which actions of disobedience move one from *mu'min* to *muslim* status. The reports which specify *tark al-ṣalāt* as leading to true unbelief act as a specifier (*taqīd*) on these more general statements. Baḥrānī, *Ḥadā'iq*, vol. 6, pp. 19f.

47 Baḥrānī, *Ḥadā'iq*, vol. 11, p. 14.

on *tārik al-ṣalāt* in the rest of the *fiqh*, where apostasy is not demonstrated by actions alone, but declarations accompanying actions. For Baḥrānī, abandoning prayer constitutes a special case; for the opponents, it is merely an instance of possible *kufr* which needs to be checked and confirmed.

Baḥrānī is unhappy, then, with a number of elements of the current *fiqh* positions on the fate of the prayer-abandoning apostate. This comes out of what might be called his “plain sense” reading of the *akhbār* that abandoning prayer is simply apostasy. For Baḥrānī it is not a “sign” or “indication” of possible apostasy, only to be decreed if the person also declares it permitted to abandon prayer (i.e., the *istiḥlāl* condition). Rather, there is a peculiar and non-rational link between abandoning prayer and apostasy. Abandoning prayer, for some reason best known to the Imams, leads to a declaration of unbelief, and hence apostasy. Baḥrānī does not, to my knowledge, lay out what actions might constitute “abandoning prayer” (“Missing a single prayer”? “Missing numerous prayers continuously”?), but he is clear that once that categorisation has been determined, the individual is an apostate.

“Some scholars”, he reports, have tried to extend the *istiḥlāl* condition beyond prayer itself to the prerequisites and individual elements of prayer (such as purity and the inclusion of the prostration movements—*rukūʿ*; cf. al-Karakī mentioned above). Some have, he says, argued that there are certain elements of the prayer ritual which are so universally accepted, and subject to a binding consensus (*al-mujmaʿ ʿalayhi*) that to deny their obligatory nature constitutes the same offence as denying the obligation to pray. Only on points of juristic dispute (*mukhtalaf fihi*) is the individual permitted to stray into *istiḥlāl*. For Baḥrānī, the whole approach is flawed, and not only because of the incorporation of the *istiḥlāl* condition. It is based on a supplemental epistemological category, that of “things known with certainty within the school of law” (*ḍarūrī al-madḥhab*). For these other jurists, there are things known with undeniable certainty for religion (the *ḍarūrīyyāt al-dīn* referred to above), of which prayer is one; but there also things which are established with the same level of certainty in the area of jurisprudence, and which all agree on as essential. Hence to deny the obligatory nature of these things is tantamount to denying the obligatory nature of prayer. Baḥrānī has a deep unease about making this distinction. For him, it appears, apostasy should be reserved for those things known with irresistible certainty, and the consensus of the jurists (both Sunnī and Shīʿī, it should be added) creates no such certainty. Indeed for Baḥrānī the inclusion of Sunnī jurists undermines the whole process. A denial of a matter the *madḥhab* (“law school”) has established (with internal agreement) cannot not lead to apostasy, and the attempt to extend *istiḥlāl* in this way is unjustified and without evidence. The issue has come about, once again,

because people have tried to rationalise the *tark al-ṣalāt—takfīr* relationship, and bring it into a wider jurisprudence. The flawed reasoning might proceed as follows: if declaring abandoning prayer licit leads to unbelief, then surely declaring the abandonment of essential elements of prayer licit also leads to unbelief. This reasoning, Baḥrānī explains, fails to respect the special nature of the *tark al-ṣalāt—takfīr* connection. The same mistake was made by those who considered an invalid prayer to be, in effect, an abandoned prayer, and they would thereby declare most of the general populace “unbelievers”. It is the special connection between abandoning prayer and unbelief which Baḥrānī wishes to preserve in his jurisprudence, and which his opponents which to deny or (over) rationalise.⁴⁸

Once the *tārik al-ṣalāt* has been identified and declared an unbeliever, there next comes the dispute over punishment, and in particular whether repentance is to be accepted or not. This is only an issue for the male apostate who was born a Muslim. Baḥrānī mentions that there was no dispute over the rule that the repentance of the male convert, or the female apostate (convert or born) is accepted, and execution is postponed. With regard to the male apostate, the dispute revolves around whether the repentance is accepted or not. Baḥrānī’s own opinion, which he claims is supported by “the indicators in this issue” (*adillat al-mas’ala*), is that the repentance is not accepted “outwardly”. That is, all the legal effects of apostasy follow as if the repentance had not occurred. In legal terms, the repentance is irrelevant. Baḥrānī quotes the famous jurist al-Shahīd al-thānī who argues that to accept the repentance to be evidence of the internal belief state of the individual would be to try to determine something which is exclusively between the individual and God, and this is “to demand the impossible” (*taḳlīf mā lā yuṭāq*). It seems, then, that apostasy is something which can be publicly proven, though returning to Islam after a period of apostasy is impossible to publicly verify, as it is “internal”.

However, this does not mean that God will not accept the individual’s repentance, and “internally” (*bāṭinan*), the repentance can to be assumed to be accepted. It will not, however, stay execution. This may seem poor compensation for the condemned man, but assuming the acceptance of his repentance enables him to undergo a Muslim burial in a Muslim graveyard. His prayers are accepted as valid and count for him in God’s assessment of his fate. He is still to be executed (though only if a valid judicial system is in place),⁴⁹ and even if he

48 Baḥrānī, *Ḥadā’iq*, vol. 11, p. 15.

49 This, of course, was a disputed point and depended on the jurist’s view of legitimate government during the occultation of the Imam, and the legitimacy of upholding judicial punishment (including the *ḥudūd*) in the Imam’s absence. See Gleave, “Public

is not executed (because of the lack of any legitimate system) his wife is considered (legally speaking) a widow. That is, his inheritance is divided amongst his inheritors (or according to some, to his offspring) as if he were dead. Such is the legal complexity of the half-alive/half-dead status of the repentant apostate, who has been judged to be such by his abandonment of prayer.

4 Conclusions

The theological distinction between an unbeliever and a miscreant (*kāfir/fāsiq*) provided the mechanism for blunting the rather categorical statements of the Prophet and Imams that the one who abandons prayer is an unbeliever. The *tārik al-ṣalāt* could be divided between the one who is simply lazy and inattentive (*fāsiq*) and the one who is seditious and presents a danger to the observance of the ordinances of Islam (*kāfir*). If the reports were still to apply to the miscreant, then they were using a particular notion of unbelief which amounted to *fiṣq* rather than apostasy. And if they were to apply to the “real” unbeliever, then they had to be qualified by an open refusal to recognise the necessary truths of the Islamic religion (*juḥūd*). One sees this reasoning process within the *akhbār* of the Imams as ideas were expressed and re-expressed with greater precision. The juristic literature, it might be argued, simply continues this development, though without adjusting the legal source.

The Akhbārī tendency saw this continual finessing and the drive for legal coherence as a potential denial of the special status the Prophet and Imams had accorded prayer, along with the strict punishments for those who abandon it. Legal coherence was over-rated in their view, and was over-ruled by devotion to the specifics of the Imams’ words. The position was difficult to maintain, and eventually fell out of favour, though it illustrates how protest can manifest itself through hermeneutics. The majority position for Shī’is and, one suspects, for Sunnī jurists also, was an attempt to reduce the possibility of *takfīr* being used as a piece of vigilante rhetoric to enforce orthopraxy on pain of death. Whilst the punishment for the *tārik al-ṣalāt* was swift and brutal in Imāmī *fiqh*, there remained plenty of opportunity to avoid this fate by expressing doubt

violence, State Legitimacy”. Baḥrānī is disturbed by an apparent contradiction in al-Shahīd al-thānī’s *fiqh* work. In his chapter on inheritance, al-Shahīd al-thānī holds to the line that whilst the repentance is accepted as sincere, the legal procedure is unaltered (and the repentant apostate is executed). In his chapter on making judicial rulings, though, he says the judge should wait a while and try and avoid the execution. Baḥrānī, *Ḥadā’iq*, vol. 11, p. 17.

as to one's understanding of what, precisely, abandoning prayer might mean. Even in the Akhbārī sources, there is a worry that the theological and legal discussions might encourage some to take the law into their own hands. The operation of law required proper procedure and the fact that the one who has abandoned prayer has been singled out for particular opprobrium within the law does not, necessarily, lead to immediate implementation (and wide scale) of the punishment. In this way, an easy avenue to *takfīr* was impeded, as Imāmī jurists attempted to devise a legal system which would not leave themselves or their community unnecessarily vulnerable.

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Society and Propriety: The Cultural Construction of Defamation and Blasphemy as Crimes in Islamic Law

Intisar A. Rabb

1 Introduction

Authors writing on Islamic law have long recognized a key distinction by which medieval Muslim jurists divided the world of rights and responsibilities into matters of the mundane and matter of the divine. Medieval Muslim jurists used the terms *ḥuqūq al-ʿibād* (lit. “rights of man”)¹ to refer to the former and *ḥuqūq Allāh* (lit. “rights of God”)² to refer to the latter. But the meaning of these terms was not as simple as this bipartite distinction would suggest. The terms certainly did not take on the sense of rendering unto Caesar or unto God the things due to each, as familiar from the Roman Christian tradition.³ Moreover, the presence of a third category—*ḥuqūq mushtaraka* (lit. “shared rights” between man and God)—threw into question the nature and extent of the distinction. Why was it, for example, that a minority of jurists considered “God’s rights” to have been offended when someone made a defamatory statement against an individual, whereas most jurists deemed “man’s rights” to have been injured for the same offense? Moreover, how did this influential minority define the “rights of God” in the first place, such that they were able to articulate a set of public values, or what we might call rules of propriety, that collectively came to frame popular Islamic legal views of defamation and blas-

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1 Other terms used for this same concept include: *ḥuqūq al-ʿabd/al-ʿabid*, *ḥuqūq al-ādami/al-ādamiyyīn*, *ḥuqūq al-nās*, and *ḥuqūq khāṣṣa*.

2 Other terms used for this same concept include: *ḥuqūq al-sharʿ*, *ḥaqq al-imām*, *ḥuqūq al-sultān*, and *ḥuqūq ʿamma*.

3 See Matthew, 22:20–21 (“And he saith unto them, Whose is this image and superscription? They say unto him, Caesar’s. Then saith he unto them, Render therefore unto Caesar the things which are Caesar’s; and unto God the things that are God’s.”).

phemy? This essay seeks to answer these questions with an eye on the novel arguments of that minority, that is, of Ḥanafī law.

I argue that, as most clearly articulated in Ḥanafī law, the concept of “God’s rights” often had little to do with unequivocally divine rules. Instead it meant *public values*.⁴ In turn, the medieval notion of public values was in part defined by *rules of propriety*, that is, the rules of decorum, honor, and morality as conventionally understood and constructed by Muslim jurists within their particular social and cultural contexts. To situate this new definition, it is worth exploring recent scholarship on the typical distinction between “God’s rights” and “man’s rights”, as I do briefly in Part I. Drawing on the Sunnī treatment of the criminal law of defamation in Part II, I identify a uniquely Ḥanafī categorization of that crime as a violation exclusively of “God’s rights”—a notion distinct from the conception of all other schools of Islamic law of that crime as personal offenses against “man’s rights.” After arguing in Part III that Ḥanafī jurists understood offenses against “God’s rights” to mean violations of public values and of common rules of propriety, in Part IV I provide some examples of the related laws against blasphemy⁵ from *Fatāwā ‘ālamgīriyya*, a seventeenth-century compendium of Ḥanafī law from Mughal India. Throughout, the claim is not that Ḥanafī law alone espouses blasphemy as a crime. Rather, the claim is that the Ḥanafī conception of defamation as exclusively one of “God’s rights” helped medieval Muslim jurists construct and expand the related Islamic law of blasphemy in ways that transformed acts deemed noncriminal and/or private in early Islamic law into criminal violations against both the public values of at least one medieval Islamic society and the common rules of propriety.

2 Part I: Defining God’s Rights

In defining “God’s rights,” other scholars have highlighted notions of society in their attempts to delineate the jurisprudential and social meaning of that

4 For a further definition and study on public values in a different context of Islamic criminal law, see Rabb, “The Islamic Rule of Lenity”. For elaboration of this concept in American law, see further Eskridge, “Public Values,” 1007, 1091 (observing that American legal canons reflect “public values” drawn from the U.S. Constitution, federal statutes, and common law).

5 I use blasphemy to refer to statements that subject a person to an accusation of unbelief or a legal ruling of apostasy (*kufṛ*). Because the offense refers to statements, rather than actual beliefs, as discussed by the Ḥanafī jurists in *Fatāwā ‘ālamgīriyya*, I use blasphemy rather than heresy as the more accurate term.

phrase.⁶ However, those scholars have typically explained that phrase in terms of the “public interest,” “state interest,” and “social good.” In what follows I discuss three leading treatments of the concept behind the phrase in recent literature, then attempt to connect those definitions to related treatments of the same concept in the medieval Islamic legal corpus.

The first treatment that emerges from recent scholarship is a conception of “God’s rights” as claims of the state. Baber Johansen identifies Ḥanafī definitions of “God’s rights” as distinct from “man’s rights” in order to explore the jurisdictional limits of state power and authority in a medieval Islamic state. For him, individuals have claims against one another by virtue of their status as full legal agents who are entitled to seek redress for harms inflicted on them by other individuals. This is the meaning of “man’s rights.” By the same token, the ruling political authorities, or officials of “the state,” are entitled to lay claim against an individual by virtue of their duty to uphold the public interest, including, for example, in cases of violation of public safety or public fisc. This is the vindication of “God’s rights.” There may be limits, Johansen is careful to note, to the state’s reach, stemming from the fundamental rights of an individual as “proprietor” of his or her own property. In Johansen’s reading of the relevant juristic literature, property rights became a metaphor for an individual’s proprietary interests over his or her own person, including intangible values to which he or she lays proprietary claims.⁷ Importantly, Johansen observes that, in the Ḥanafī medieval jurists’ discussions of “man’s rights,” the property interests that went along with social status and kinship structures prevalent in society during their time closely affected their estimation of the personal entitlements to which individuals could lay claim or guard against.⁸ The implication is that extralegal values such as status hierarchy found their way into the Ḥanafī jurists’ articulations of private law through their implicit recognition of a socio-cultural contexts that privileged commerce and private property. To be sure, Johansen’s understanding of the concepts at issue applies

6 See Emon, “A Legal Heuristic”; Weiss, *Spirit*, pp. 181–84; Hoexter, “*Ḥuqūq Allāh* and *Ḥuqūq al-ʿĪbād*”; Kamali, “Fundamental Rights”; Johansen, “Sacred and Religious.” See also sources cited in Emon, “A Legal Heuristic,” p. 330 nn. 12–17; and see generally Hoexter, Eisenstadt, Levzion, *Public Sphere*.

7 Johansen, “Sacred and Religious,” p. 297: “All *ḥuqūq al-ʿibād* are supposed to be the property of the private legal persons who dispose of their claims at their own free will and who decide of their own accord whether they want the authorities to interfere with their conflicts or not . . . [but] private claims and liabilities cannot be regulated by means of public punishment . . . God does not tolerate any sharing of his claims with individual legal persons.”

8 Johansen, “Sacred and Religious,” pp. 281–303. See also idem, “Zum Prozessrecht”; idem, “Der *ʿiṣma*-Begriff”; idem, “Staat, Recht und Religion.”

primarily to the private law claims called “man’s rights”. Nonetheless, his treatment provides a useful starting point for assessing how attendant rules of propriety—as a manifestation of extralegal values—played out in Ḥanafī laws of defamation and blasphemy in the public law arena of “God’s rights”.

The second conception of “God’s rights” involves the notion of public law. Bernard Weiss posits that claims that individual Muslims may have against one another are matters of “private law,” and claims that the state may have against individuals are matters of “public law.”⁹ Similarly, Miriam Hoexter understands “man’s rights” to “cover claims of private individuals in their dealings with each other, [while] *ḥuqūq Allāh* refers to the rights of the Islamic community and religion and their claims upon the individual.”¹⁰ While straightforward, these definitions do not fully contemplate the fact that, in the medieval Islamic legal literature, the category of “God’s rights” does not strictly apply to matters of public law in the way contemporary legal scholars typically think of law. Specifically, this category includes matters of religious ritual maintained by individual conscience over which the state apparatus of law enforcement has no reach (e.g., rules of expiation for failing to uphold an oath or failing to perform certain rituals mandated by Islamic ritual law (*kaffāra*)). In addition, these scholars’ straightforward definitions of “God’s rights” as public law are of limited utility for fully encompassing Islamic criminal law, because they do not capture the instances of overlap between the two categories—that of “shared rights,” as arise in matters of defamation and blasphemy.

Finally, a more recent definition of “God’s rights” places emphasis on “societal well-being” or the “social good.” Anver Emon describes “man’s rights” to be the “complex of interests that an individual . . . has as a member of society, e.g., freedom from interference (liberty interests) and the capacity to assert an entitlement (claim interests).” He designates “God’s rights” as concerned with matters involving “the wellbeing of society that an *imām* or ruler must uphold in light of his imperium over society,” or simply “the social good.”¹¹ Emon’s interest is in assessing how medieval Muslim jurists across the Sunnī legal schools used the distinction as a heuristic device to *justify* rules that reflect extralegal

9 Weiss, *Spirit*, pp. 181–84.

10 Hoexter, “*Ḥuqūq Allāh* and *Ḥuqūq al-ʿIbād*,” p. 134, locating Ḥanafī jurisprudence in doctrines of “political justice in the name of God” (*ṣiyāsa sharʿiyya*), used to alleviate tensions encountered in trying to reconcile the “private and individualistic character of Hanafite law” with “the public interest.”

11 Emon, “A Legal Heuristic,” p. 329.

values—of the type identified by Johansen—within the scope of Islamic law from a *jurisprudential* standpoint.¹²

In the medieval literature, these three notions certainly have some resonance, although the starting point there is earlier than modern discussions of society and the public interest. In the early Islamic period, “God’s rights” had mostly a theological connotation, with a legal implication. It was God’s “right” (*ḥaqq*) to be worshipped (the theological connotation) and individuals’ duty to worship Him through acting upon a series of commands (the legal implication). Assuming that, through executing God’s commands, individuals worshipped Him, they had a corresponding expectation (*ḥaqq*) not to be punished.¹³ This arrangement was based on God’s statement that “I have only created *jinn*s and humans that they may worship Me,”¹⁴ and on the Prophetic tradition: “Surely, the ‘right’ [expectation] of God upon His servants is that they worship Him and do not associate any partners with Him, and the ‘right’ [expectation] of individual people is that whoever refrains from associating partners with God will not be punished.”¹⁵ On this basis, Islamic legal theory outlines a doctrine of obligation, namely that humans owe a duty to carry out all of God’s commands and avoid His prohibitions.¹⁶

Sunnī legal discourse on the laws of fixed criminal sanctions (*ḥudūd* laws) offers a clear reflection of this conception of “God’s rights.” Those laws are starkly conceived prohibitions, attached to fixed criminal sanctions, which Muslims believe to have been dictated directly by God. Given their categorization as “God’s rights,” *ḥudūd* laws placed an obligation on the state to enforce punishment for criminal violations of those laws.¹⁷ To violate His commands

12 Emon, “A Legal Heuristic,” esp. pp. 331 and 334: “The theoretical significance of the *ḥuqūq Allāh/ḥuqūq al-ʿibād* distinction . . . is best understood in light of a context peculiar to jurists, namely the context of legal arguments, reasoning, and analysis.”

13 See, e.g., the discussion in Shihāb al-Dīn al-Qarāfī (d. 684/1285), *Tahdhīb*, vol. 1, pp. 269f. (*al-farq . . . bayna qāʿidat ḥuqūq Allāh taʿālā wa-qāʿidat ḥuqūq al-ādamiyyīn*).

14 Qurʾān 51:56 (*wa-mā khalaqtu l-jinna wa-l-insa illā li yaʿbudūni*) (cited in al-Qarāfī, *Tahdhīb*, vol. 1, p. 269 n. 2).

15 al-Qarāfī, *Tahdhīb*, vol. 1, p. 270, citing al-Bukhārī and Muslim: *Fa-inna ḥaqq Allāh ʿalā l-ʿibād an yaʿbudūh wa-lā yushrikū bih shayʿan . . . [wa-ḥaqq al-ʿibād ʿalā Llāh an lā yuʿadhdhib man lā yushrik bih shayʿan]*.

16 al-Qarāfī, *Tahdhīb*, vol. 1, p. 270, defining “God’s right(s)” as “His command(s) and prohibition(s): *amruḥ wa-nahyuh*”; Ibrāhīm b. Mūsā al-Shātibī (d. 790/1388), *Muwāfaqāt*, vol. 2, p. 317, noting that “God’s right” over his servants is that they worship Him without partners, execute His commands, and avoid His prohibitions absolutely.

17 Most Muslim jurists posit that these laws are obligatory because they fall within the category of “God’s rights.” See, e.g., Burhān al-Dīn al-Marghīnānī (d. 593/1196–7), *Ḥidāya*, vol. 2, p. 381; Yahyā b. Sharīf al-Nawawī (d. 676/1277–8), *Majmūʿ*, vol. 18, p. 270; Fakhr al-Dīn

in this arena of fixed criminal sanctions, jurists thought, was to violate His “rights.”¹⁸

In other discussions, some Muslim jurists explored the relationship between “God’s rights” and Islamic legal rulings (*aḥkām*). One set of scholars equated the two.¹⁹ According to them, God’s rights were themselves the legal rulings, formally defined as “God’s divine-law command(s) regulating the actions of legal agents.”²⁰ In contrast, other scholars maintained that “God’s rights” were not the divine commands or legal rulings themselves, but referred instead to God’s prerogative to regulate human affairs. According to these scholars, once God issues a command, His “right” is that the legal agent act on it.²¹ On this conception, observing “God’s rights” becomes recognition of divine authority, and through it, state authority whenever the state apparatus purports to uphold divine law in the course of upholding the public interest.

In yet other discussions, some Muslim jurists explained that the Arabic term for “right” should be understood as an entitlement, meaning any bundle of goods or access that one party might legitimately claim from another.²² This understanding contemplates complementary rights and duties of at least two

al-Zaylaʿī (d. 743/1342), *Tabyīn*, vol. 3, p. 539; Badr al-Dīn al-ʿAynī (d. 855/1451), *Bināya*, vol. 6, p. 190; Abū l-ʿAbbās Aḥmad b. Yaḥyā al-Wansharīsī (d. 914/1508), *ʿUdda*, p. 671; ʿAlāʾ al-Dīn al-Ḥaskafī (d. 1088/1677–8), *Sharḥ al-Durr al-mukhtār*, vol. 1, p. 425; Ibn ʿĀbidīn (d. 1252/1836), *Radd al-muḥtār*, vol. 14, p. 400. See further al-Qarāfī, *Tahdhīb*, vol. 4, pp. 1313–18 (*al-farq . . . bayna qāʿidat al-ḥudūd wa-qāʿidat al-taʿāzīr min wujūh ʿashara*); al-Nawawī, *Majmūʿ*, vol. 18, p. 270, specifying that only the *imām* can (and must) impose *ḥudūd* punishments because they are “God’s rights.”

18 For further discussion of *ḥudūd* laws see, Peters, *Crime and Punishment*.

19 See, e.g., Ibn Manẓūr (d. 711/1311–12), *Lisān al-ʿArab*, vol. 2, p. 122 (defining *ḥaqq* in Qurʾānic usage as the commands of the Prophet and what was revealed to him in the Qurʾān; and specifying that for something to become a *ḥaqq*, it has to be obligatory and firmly established (*ḥaqqat ʿalā . . . ay wajabat wa-thabatat*). See also *al-Mawsūʿa al-fiqhiyya*, s.v. *ḥaqq*, equating *ḥaqq* with *ḥukm*.

20 See al-Zuhaylī, *Wasīṭ*, p. 34 n. 1 and accompanying text (*khiṭāb Allāh taʿālā al-mutaʿallaq bi-afʿāl al-mukallafīn*, citing an identical definition in the works of several leading jurists). See also al-Ghazālī (d. 505/1111), *al-Mustasfā*, vol. 1, p. 157 (*khiṭāb Allāh*).

21 That is, if the legal ruling associated with the performance or abandonment of a certain action (*maḥkūm bih* or *maḥkūm fih*) is obligation or mandatoriness (*wujūb*), this means that a legal agent *must* perform or abandon said action and is held responsible for doing so before the law. See al-Qarāfī, *Tahdhīb*, vol. 1, p. 270 n. 10: “A ‘right’ is the essence of an act of worship, not the command associated with it: *al-ḥaqq huwa ʿayn al-ʿibāda, lā al-amr al-mutaʿallaq bihā*.” Cf. al-Zuhaylī, *Wajīz*, pp. 36f. n. 1.

22 al-Qarāfī, *Tahdhīb*, vol. 1, p. 169; Ibn Nujaym (d. 970/1563), *al-Baḥr al-rāʾiq*, vol. 6, p. 148, noting that jurists used the term in the sense of “individual entitlement [or what someone deserves]: *mā yastaḥiqquh al-raḥul*.”

parties, applied especially easily to “man’s rights”: Whenever one party is entitled to a claim (a *right*), another party bears a corresponding *duty* to ensure that the claim is met.²³ With this definition, these Muslim jurists came to understand that a violation of “God’s rights” did not mean that God would be personally injured or needed to seek redress. Instead, it meant that the jurists would regard such a violation as an offense against *society*, given that God’s laws were intended to benefit society and prevent harm against it.²⁴ Redress would come first at the demand of the jurists, who were tasked with articulating that very law, and secondarily at the demand of the state, which was charged with enforcing Islamic law and otherwise acting in the public interest. It is in this latter sense that “God’s rights” came to mean public interest, state interest, and societal good. It meant that it was the prerogative of the jurists to secure the integrity of the Muslim community in the public sphere, collectively and individually, which they accomplished by reference to and insistence on respecting “God’s rights.”

In this essay, I aim to take into account both the social and jurisprudential aspects of the terms in question to outline a more pointed definition of “God’s rights,” as articulated in the Ḥanafī law of defamation and blasphemy. In short, I argue that for early and medieval Ḥanafī jurists, “God’s rights” meant *public values*. Those values, for them, included a culturally inflected understanding of *public propriety*, which Muslim jurists gradually constructed by interpreting norms of morality consistent with their own times and contexts and which they expressed in the grammar of the Islamic law of defamation and blasphemy.

23 It is on this basis that the term *ḥuqūq* has been variously translated as “rights,” “duties,” or “claims.” See, e.g., *Encyclopaedia of Islam*. New Edition, s.v. ḥuqūq; Johansen, “Sacred and Religious,” p. 283 n. 11; Hoexter, “*Ḥuqūq Allāh* and *Ḥuqūq al-ʿIbād*,” p. 134; Abou El Fadl, *Rebellion and Violence*, p. 137.

24 See, e.g., Ibn ʿAbd al-Salām (d. 660/1262), *al-Qawāʿid al-kubrā* (also called *Qawāʿid al-aḥkām fī ʾislāh* [or *maṣāliḥ*] *al-anām*); al-Qarāfī, *Tahdhib*, vol. 1, pp. 140–42 (calling *ḥaqq al-ʿabd maṣāliḥih*); Shāṭibī, *Muwāfaqāt*, vol. 1, p. 91; vol. 2, pp. 97, 101. These same scholars maintain that, theologically speaking, all matters were “God’s rights,” in that God possesses a right over everything. See, e.g., al-Shāṭibī, *Muwāfaqāt*, vol. 2, p. 317 and what follows: “[I]f it appears ostensibly that [something] is an exclusive right of an individual, that is not really the case; rather [the term] refers to the preponderance of the individual right in the laws of this world: *Fa in jāʾa mā ṣāḥiruh annah ḥaqq li-l-ʿabd mujarradan, fa-laysa kadhālika bi-ʾitlāq, bal jāʾa ʿalā taghlīb ḥaqq al-ʿabd fī ʾl-aḥkām al-dunyawiyya*. Notably, these jurists generally referred here to public-regarding laws, not privately performed ones such as ritual law, to which a separate set of rules of propriety applied.

3 Part II: Ḥanafī Defamation Laws (*qadhf*): “God’s Rights” as Societal Values

Significantly, the “God’s rights”—“man’s rights” distinction was not as dichotomous as the above discussion makes it out to be. In fact, these two concepts were points along a sliding scale, a fact which becomes important for understanding the import of Islamic defamation laws—which seemed to slide from one end of this scale to the other in differing interpretations. As noted above, Muslims in fact devised at least three categories of “rights”: “God’s rights,” which fell under the exclusive domain of God; “man’s rights,” which fell under the exclusive domain of individuals; and “shared rights (*ḥuqūq mushtaraka*),” which extended into both domains.²⁵

The distinction between these variously labeled rights carried particular importance for Islamic criminal law. When assessing how judges should treat violation of Islam’s set of fixed criminal sanctions (*ḥudūd* laws), typically categorized in terms of “God’s rights,” most Muslim jurists nevertheless designated defamation as an offense that fell into the domain of “man’s rights,” or “shared rights”. Only Ḥanafis designated defamation as an offense exclusively against one of “God’s rights”. The problem with categorizing defamation arose as a question of the availability of pardon (*ʿafw*)—which should not have been permissible for most fixed criminal sanctions, following the rule of mandatory enforcement of *ḥudūd* laws, but which nevertheless was permitted with respect to defamation in many instances. That is, Muslim jurists specifically defined *ḥudūd* laws as having at least three core features: (1) they are “God’s rights,” which means that (2) they are fixed and allow no discretion in judicial adjustments of sentences or enforcement, and (3) the state has a duty to enforce these laws with no option of allowing the victim to forfeit his or her claim or to avoid punishment through pardon.²⁶ Yet these same jurists could not agree on whether these very rules applied to defamation, a crime they defined as explicit, false allegations of sexual impropriety, lineage denial, or negative statements about God or the Prophet.²⁷ To be sure, Muslim jurists

25 For this tripartite division, see, e.g. al-Qarāfī, *Tahdhīb*, vol. 1, p. 269.

26 See, e.g., al-Qarāfī, *Tahdhīb*, vol. 4, pp. 1313–18 (*al-farq . . . bayna qāʿidat al-ḥudūd wa-qāʿidat al-taʿāzīr min wujūh ʿashara*: listing ten distinctions between *ḥudūd* laws and discretion-ary penalties).

27 See, e.g. ʿAbd Allāh Muḥammad al-Jubūrī, *Fiqh*, vol. 2, p. 316, noting that the crime may include explicitly or implicitly defamatory statements; Ibn Qudāma (d. 620/1223), *Mughnī*, vol. 12, pp. 272, 287 (false accusations of sexual impropriety); 290 (lineage denial);

agreed that defamation was one of the *ḥudūd* offenses that carried a fixed punishment.²⁸ But they disagreed on whether pardon was allowed. As a result of this disagreement, they had occasion to elaborate on the meaning of their various categories that moved along the sliding scale of jurist-defined “rights”.

We begin on the far left of the scale: those who placed defamation squarely in the category of “man’s rights.” Ḥanbalī jurists were unique in this regard, and somewhat contradictory. On the one hand, the prominent fourteenth-century Ḥanbalī jurist Ibn al-Qayyim lamented the rulers, judges, scholars, and others who contravened their duties by abandoning “God’s rights”:

[R]eligion is undertaking what God has commanded. Anyone who abandons *God’s rights* that are obligated upon him is in a worse state in the sight of God and His messenger than a person who [affirmatively] commits acts of disobedience. . . . What religiosity or good [can be found] in a person who sees God’s prohibitions being violated, his *ḥudūd* laws neglected, his religion abandoned, and the example of the prophet of God flouted, while he remains cold of heart and silent of tongue?²⁹

On the other hand, he and other Ḥanbalīs saw defamation not as one of God’s rights so lamented, but as an intensely personal injury that harms individual integrity, dignity, and honor. Accordingly, when a victim of defamation decides to pardon the offender, Ḥanbalīs maintained that the pardon removes criminal liability and even the authorization for the state to enforce punishment. In short, they concluded that enforcement of punishment was authorized only upon a plaintiff’s request, and that authorization lifted with a plaintiff’s pardon.³⁰ Prominent Ḥanbalī jurists explained why, summing up the matter as

310 (irreverent statements against the Prophet or his family, amounting to apostasy). See also al-Khiraqī (d. 334/945), *Mukhtaṣar*, p. 191; Ibn al-Bannā’ (d. 471/1078–9), *Muqni’*, vol. 3, p. 1123; Ibn Rushd II (d. 595/1198), *Bidāya*, vol. 2, p. 645; al-Zayla’ī, *Tabyīn*, vol. 3, p. 616; Ibn Nujaym, *Baḥr*, vol. 3, pp. 153f.; al-Wansharīsī, *Mi’yār*, vol. 2, pp. 549f.

28 The definition of this crime was based on a Qur’ānic text (Qur’ān 24:4) and Prophetic reports, obligating eighty lashes. For a discussion in an Islamic law manual, see, e.g. Ibn Abī l-Qāsim (d. 624/1226), *Wāḍih*, vol. 4, pp. 421f. (citing the relevant tradition from al-Bukhārī).

29 Ibn Qayyim al-Jawziyya (d. 751/1350), *I’lām*, vol. 2, p. 177.

30 See, e.g. Mar’ī b. Yūsuf al-Maqdisī (d. 1033/1623), *Dalīl*; Ibn Ḍuyān (d. 1353/1934), *Manār al-sabīl*, vol. 3, p. 1001.

follows: defamation is an individual offense most akin to the laws of retaliation, which offer personal redress for individual harm.³¹

In contrast to the Ḥanbalī position, Shāfiʿī law placed defamation in the category of “shared rights,” with a thumb on the individual rights side of the scale. In the famous eleventh-century jurist Abū Ḥāmid al-Ghazālī’s terms, defamation *resembles* a category of crime that would ordinarily implicate “God’s rights,” but in actuality “man’s rights” preponderate, precisely because the obligation to enforce punishment falls away with a plaintiff’s pardon.³² Agreeing, his contemporary al-Māwardī added that defamation offends the integrity of individuals.³³ Moreover, he noted that the obligation to enforce punishment for a defamatory statement that had not been pardoned would remain, even where there was a retraction of a confession,³⁴ unless the retraction was corroborated by the plaintiff, verifying the truth of the defendant’s statement.³⁵ That said, al-Māwardī also insisted that, if in cases of pardon the state fails to enforce the fixed punishment, it was to impose a discretionary punishment, lest the offense go completely unpunished.³⁶ This latter requirement can be

31 Ibn al-Bannā, *Muqniʿ*, vol. 3, p. 1123. Ibn Abī Qāsim, *Wādiḥ*, vol. 4, p. 423; Ibn Qudāma, *Mughnī*, vol. 12, pp. 277f. The Ḥanbalī view of the intensely personal nature of defamation and the blight it placed on an individual’s character pushed them to argue in favor of granting extra-territorial jurisdiction over such crimes to courts in Islamic lands—such that a victim could seek redress even for acts of defamation that occurred outside of Islamic territory, where criminal law jurisdiction, aside from the laws of retaliation for murder, ordinarily did not reside.

32 al-Ghazālī, *al-Wajīz*, vol. 2, p. 170. See also, al-Nawawī, *Majmūʿ*, vol. 18, pp. 286f., 298, 309 (listing several differences over when the punishment for defamation could be lifted with a pardon and when it could not, based on the categorization of the rights infringed).

33 Abū l-Ḥasan al-Māwardī (d. 450/1058), *Ḥudūd*, vol. 1, pp. 212f. (also placing theft in this category, reasoning that Islamic law mandates hand amputation to satisfy God’s rights and obligates the payment of damages or the return of the stolen property to satisfy man’s rights). Al-Māwardī further notes an early Islamic practice of the Prophet and the first caliphs, by which he concluded that these types of punishments were not to be avoided once raised to the level of state jurisdiction. That convention was broken, he explains, when Muʿāwiya failed to enforce the punishment against the last member of a band of thieves who were in state custody and were to have their hands amputated—marking the first time in Islamic history that a mandatory punishment was abandoned. See idem, *Aḥkām*, pp. 433f.

34 Ibn Qudāma, *Mughnī*, 6:622 (noting that a retraction of a confession was admissible only in *ḥudūd* proceedings).

35 al-Māwardī, *Aḥkām*, p. 212.

36 al-Māwardī, *Ḥudūd*, vol. 2, pp. 1023f. (that is, unless the state also determined that pardon was in the public interest).

explained by the societal function that al-Māwardī attached to *ḥudūd* laws.³⁷ As did most other jurists, he maintained that *ḥudūd* laws were legislated to deter people from committing prohibited acts and to encourage them to follow the law.³⁸ Thus, even when individual interests are preponderant, as in the laws of defamation when fixed punishment could not be enforced in the face of an individual pardon or the like, al-Māwardī concluded that the imposition of a discretionary punishment was necessary for upholding the public interest by serving the goal of deterrence.

Largely aligning with Shāfiʿī jurists, Mālikīs also categorized defamation as an area of shared rights, also asserting that individual claims preponderate.³⁹ Unlike Shāfiʿīs, Mālikīs limited the extent to which a plaintiff could pardon an offender for defamation and the extent to which the state could decline to enforce punishment once a defamation case had been raised to the courts. For Mālikīs the punishment for defamation could be initiated and was due on a mandatory basis only when a plaintiff petitioned the courts.⁴⁰ Correspondingly, Mālikīs maintained that only victim pardon could lift the punishment for defamation and could do so only *before* the issue had reached the courts. Otherwise, the state was to enforce the fixed punishment. It seems that they believed that, by petitioning the courts—a public arena—a plaintiff had invoked societal interests.⁴¹ Al-Wansharīsī explained that “man’s rights” can be forfeited, as when a person forgives a debt, but that the very definition of “God’s rights” is any claim that an individual cannot forfeit or pardon, as when a person abandons belief in God or performance of the mandatory prayers.⁴² In defamation cases, a victim could pardon the offender before rais-

37 See al-Māwardī, *Aḥkām*, pp. 312–14, 323 (identifying defamation as implicating both “God’s rights” and “individual rights”).

38 al-Māwardī, *Ḥudūd*, vol. 1, p. 99.

39 Note, however, that Ibn al-ʿArabī suggests that Mālikīs differed among themselves on whether man’s rights or God’s rights preponderate. He asserts that man’s rights preponderate, drawing on Mālikī rulings on pardon, among other matters, to support his position. See Ibn al-ʿArabī (d. 543/1148), *Aḥkām al-Qurʾān*, vol. 3, p. 344. Cf. Ibn Rushd II, *Bidāya*, vol. 2, pp. 645–48 (detailing differing Mālikī views on the proper categorization of defamation).

40 Ibn al-ʿArabī, *Aḥkām al-Qurʾān*, vol. 3, p. 345.

41 Ibn Rushd II, *Bidāya*, vol. 2, p. 648 (explaining that, once a claim had entered the public domain by being raised to the courts, the state obligation to enforce punishment could not be dropped via state or plaintiff pardon).

42 His position here does not mean that al-Wansharīsī required punishment for all such offenses, so long as they remained private so that public values were preserved. In fact, he at one point insists that punishments for acts that offend no clear private or individual

ing the claim to the courts. But once the claim is raised to the courts, the individual right actually transforms into a right of God, such that the state *must* enforce punishment.⁴³ This transformation of rights indicates that the state duty to enforce punishment for defamation in the courts rests on the notion that the crime not only violates God's prohibitions or an individual's integrity, but also compromises the public interest.

Exceptionally from scholars of all other legal schools, Ḥanafī jurists categorized defamation exclusively in terms of "God's rights." For them, plaintiff pardon was invalid, and the state was not authorized to grant pardon under any circumstances. Even Ḥanafīs who formally admitted that defamation might entail some measure of shared rights still placed defamation to the far right of the scale: they saw God's rights as preponderant, if not exclusive. Ḥanafīs arrived at this position from the idea that the state obligation to enforce punishment could not be lifted with plaintiff pardon.⁴⁴ To justify their anomalous opinion, Ḥanafīs developed perhaps the most extensive discussions of God's rights, in terms that arguably best defined the notion of public values in Islamic criminal law.

Al-Kāsānī responded extensively to the other Sunnī schools' assertions that defamation was a crime in which individual rights preponderate. He insisted on the baseline notion on which all schools had agreed: *ḥudūd* laws are categorized as God's rights, because they are obligations dictated by the Lawgiver to deter crime and prevent corruption in society.⁴⁵ In other words, the very commission of a crime offends the public; and the purpose of punishing crime is to uphold God's rights and to thereby advance the requirements of promoting (public) benefit and averting (public) harm.⁴⁶ In that sense, the act of defamation offends the public, and the purpose of punishment remains not only to preserve the integrity of individuals but to prevent societal corruption. For this reason, Ḥanafīs maintained that the punishment for defamation—like punishment for any other crime—could not be absolved by plaintiff pardon.

interest, that is, victimless crimes such as wine drinking, were not instituted for their own sake or for any intrinsic moral value, but primarily for the preservation of public order, or as I contend, public values. See Wansharīsī (d. 914/1508), *ʿUdda*, pp. 683–684.

43 al-Wansharīsī, *Miʿyār*, vol. 8, p. 422.

44 al-Jubūrī, *Fiqh*, vol. 2, p. 320 (reporting that this stance was taken from Abū Ḥanīfa and Awzāʿī, as reported in al-Ṭahāwī's *Ikhtilāf al-fuqahāʾ* and al-Marghīnānī's *Hidāya*). But see al-ʿAynī, *Bināya*, p. 341, observing al-Bazdawī's minority position to the contrary, namely that defamation falls within the category of "man's rights."

45 Abū Bakr al-Kāsānī (d. 587/1191), *Badāʾiʿ*, vol. 9, p. 4202.

46 al-Kāsānī, *Badāʾiʿ*, vol. 9, pp. 4202f.

The only concession to a role for individual interests that Ḥanafis would admit in defamation cases was a general requirement for a plaintiff petition to initiate a criminal case—a point on which not all Ḥanafis agreed.⁴⁷ The plaintiff's involvement in initiating the suit, however, did not alter the classification of defamation as a right of God for Ḥanafis. They compared this procedure to similar rules for the laws of theft, which also required a plaintiff to initiate a criminal proceeding.⁴⁸

Going even farther in explaining the dominance of God's rights in the laws of defamation, al-Marghīnānī opined that the only way to respect man's rights was to place defamation in the category of God's rights. For him, this is because the element of God's rights inherent in *ḥudūd* laws (as deterrents legislated to rid society of corruption and harm) *include* individual rights (the element in defamation legislated to defend personal integrity), but not vice-versa.⁴⁹ In other words, an individual can defend her reputation only if the state enforces the punishments for defamation, designed to protect society as a whole. If the state avoids punishments for defamation or any other crime, it thereby upholds neither the rights of the specifically injured party nor the rights of the members of society at large. Without criminal consequences for violating *ḥudūd* laws, nothing would deter potential criminals from committing defamation. All of society would then be under the perpetual threat of offenses against the sanctity of its public sphere and of individual interests.⁵⁰

Al-Kāsānī added that the only material difference between the procedures for defamation and other *ḥudūd* crimes is that defamation—once established—cannot be quashed by retraction of a confession.⁵¹ This rule

47 Some Ḥanafis contested even this. See, e.g. Abū Ja'far al-Ṭahāwī (d. 321/933), *Mukhtaṣar*, p. 265; al-Aynī, *Bināya*, vol. 6, pp. 327f. (reporting a Ḥanafī position that for certain forms of defamation, a plaintiff claim is unnecessary because "God's rights" preponderate).

48 al-Kāsānī, *Badā'i*, vol. 9, p. 4203.

49 al-Marghīnānī, *Hidāya*, vol. 2, p. 402.

50 Indeed, some modern scholars criticize Muslim-majority state governments for failing to enforce *ḥudūd* laws, given that prison alone reportedly does not deter and actually occasions a high rate of recidivism. E.g., Zarqā', *al-Madkhal*, p. 402 (quoting Ṣubḥī Maḥmaṣānī, *al-Nazarīyya al-ʿamma li-l-mūjibāt wa-l-ʿuqūd fī l-sharʿa al-islāmīyya*, vol. 1, pp. 120–23), pp. 412f. n. 1 (quoting ʿAbd al-Wahhāb Khallāf, *al-Muḥāḍara fī majallat al-qānūn wa-l-iqtisād al-Miṣrīyya*, vol. 10, p. 4: opining that plaintiff pardon should not preclude the government from maintaining its right to punish murder and similarly serious crimes as retribution for society and for public order: *intiḳāman li-l-mujtamaʿ wa-niẓāmih*). See also Mansour, "Ḥudūd Crimes," pp. 195–201, esp. 200f.

51 al-Kāsānī, *Badā'i*, vol. 9, pp. 4212f.; Ibn Nujaym, *Baḥr*, vol. 3, p. 160; al-Marghīnānī, *Hidāya*, vol. 2, p. 402.

can be explained by pragmatic arguments. Other *ḥudūd* laws permit a defendant to retract his confession because doing so would not necessarily involve the defendant lying in a way that implicates the rights of another party. Defamation, however, directly impinges upon the integrity of another person. Once a defendant confesses, he admits to the plaintiff's allegation and acknowledges that he has defamed the plaintiff's character. But when he retracts a confession, he simply denies the plaintiff's allegation, suggesting that the *plaintiff* is lying, and he fails to acknowledge that he has committed defamation.⁵² In one of the scenarios—either the initial confession or the retraction—the defendant is lying.

To permit both confessions and retractions of confessions would be to permit a defendant to lie about an offense in ways that prove guilt or innocence to the crime itself. That is, the exceptional nature of the crime of defamation has to do with veracity of speech (or lack thereof). If the law allowed a defendant to avoid punishment by manipulating speech, it would cut against the very attempt to regulate it and would compromise the rights of the plaintiff and of society writ large.

In the above survey of Sunnī law's four schools, it is clear that the rules for defamation (and, in particular, pardon) directly informed each school's categorization and conception of "rights." When a particular school's rule accommodated intervention on the part of the plaintiff and permitted pardon, defamation was deemed exclusively within or closer to the category of man's rights. But when a particular school's rule required enforcement of the criminal sanction, as in Ḥanafī law alone, defamation was deemed one of God's rights. That Ḥanafīs alone saw defamation in the latter light evidences their unique take on speech acts as rights that violated public values. Because Ḥanafī jurists regarded public values to be at stake in the commission of all crimes, including defamation, they likewise regarded enforcement as a state obligation, one that could not be left subject to the whims of individual pardon. This Ḥanafī treatment of the Islamic law of defamation is significant: they defined it as violation of one of "God's rights," because it compromised their sense of Islam's public values. In the next section, we will see how this definition played out to further elaborate jurist-defined rules of propriety in one type of defamatory crime: blasphemy.

52 al-Zaylaʿī, *Tabyīn*, vol. 3, p. 626.

4 Part III: Ḥanafī Blasphemy Laws (*ridda*): Values of Society as Propriety

Here I wish to sharpen the point. It is not that the Ḥanafī conception of offenses against God's rights involves the notion of a person in fact offending God, for which he or she needed to be punished. The fact of the matter is that most jurists deemed God capable of defending His own rights—if not through the law against an offender in this lifetime, then certainly in the afterlife. As a result, many jurists (Ḥanafis included) maintained that whenever there was a contest between God's rights and man's rights or individual interests, the individual interests were to take precedence.⁵³ Rather, the idea is that offenses against God's rights involve contravening public values as Muslim jurists had conceived and articulated them.

This point emerges in the way medieval Ḥanafis defined and treated blasphemy. In the same way that they saw the broader offense of defamation as an offense against public values (rather than against the individual whose honor or integrity had been injured), Ḥanafī examples of blasphemous statements collected in *Fatāwā ʿālamgīriyya* show that they also saw blasphemy as an offense against public values (rather than against God). Specifically, they appear to have seen blasphemous statements as offenses against a firm sense of Islamic propriety, again, as they defined it. Violations of these rules of propriety were culturally inflected: Ḥanafis saw them as statements that would tend to disturb the integrity of the Muslim community, and that in order to preserve its integrity, punishment was prudent as a way of promoting respect for knowledge, scholarship, and religious decorum.

To unpack this claim, consider that blasphemy is a statement that gives rise to an accusation or legal ruling of unbelief in ways that relate closely to the crime of apostasy. I have elsewhere noted that the Qurʾān does not specify a punishment for apostasy (*ridda*) and further argued that the original sense of apostasy as a capital crime came from the rules of active warfare in medieval societies.⁵⁴ The association of the death penalty with apostasy arose in an era when, in the medieval Muslim world and Christian world alike, citizenship was based on religion. Those who left their religion were announcing that they were no longer aligned with the interests of the state nor respected its authority. In each realm, to declare a desire not to abide by the dictates of the reigning

53 See Rabb, "The Islamic Rule of Lenity," esp. pp. 1336–38 (together with its general discussion of the three categories of rights).

54 See Rabb, "Negotiating Speech," esp. p. 146 n. 7.

religion—in word, if not in deed—was akin to a modern declaration renouncing citizenship, defecting from membership in one's surrounding community, or committing or signaling intention to commit an act of treason.⁵⁵

As I have also outlined elsewhere, Muslim jurists eventually enlarged this wartime definition of apostasy to non-wartime scenarios, extending the law of apostasy to reach speech acts, including but not limited to the traditional sense of defamation. For them, Muslims who made statements that seemed to take them outside the fold of Islam had effectively committed apostasy. Often, Muslim jurists categorized such statements in discussions of the crime of defamation.⁵⁶ As Ḥanafis defined it, defamation meant statements that were tantamount to apostasy and therefore rendered the speaker death-eligible.⁵⁷ Such statements were regarded as *per se* treasonous, inasmuch as the jurists themselves defined the offense and often did so without respect to the speaker's intent.⁵⁸

The foregoing discussion provides an overview of two ideas. First, the discussion of the Ḥanafī view of defamation displayed their view of speech acts as *per se* treasonous crimes offending public values. Second, the discussion of defamation-as-apostasy outlines how the public value-oriented Ḥanafī view of defamation came to bear in the context of apostasy laws. This second idea suggests that the restrictions on speech that Ḥanafī jurists imposed through laws of blasphemy had as a unifying element certain definitions of propriety within Muslim society that those jurists deemed an essential element of God's rights, that is, the element of mandatoriness necessary to uphold societal values in medieval Muslim communities. The following discussion attempts to draw out these two points further by presenting examples of defamatory statements from the *Fatāwā 'ālamgīriyya*. The disputed statements at the end of each section highlight the extent to which the rules of propriety designed to uphold societal values were socially and culturally constructed by the medieval Ḥanafī jurists, such that those rules and values themselves could be debated or changed over time.

55 Rabb, "Negotiating Speech," pp. 146–48.

56 Rabb, "Negotiating Speech," pp. 155–58.

57 See Rabb, "Negotiating Speech," pp. 158f.

58 For further discussion on the procedures outlining blasphemy convictions, see Rabb, "Negotiating Speech," p. 159.

5 Part IV: Some Examples of Blasphemy from *Fatāwā ʿālamgīriyya*

The *Fatāwā ʿālamgīriyya* (also known as *al-Fatāwā al-hindiyya*) is a compilation of legal rulings put together by Shaykh Nizām, the leading Indian jurist of his time, at the direction of the Mughal ruler Awrangzīb (r. 1658–1707 CE). The work aims to collect the major opinions in Ḥanafī law, in order to ease the understanding and work of Indian jurists contemplating new and ongoing issues of Islamic law. But curiously, the collection does not include much (if any) of the opinions of those South Asian jurists. Instead, it preserves many opinions from Central Asian jurists, mainly from the 5th/11th century, which come to life colorfully in the statements of blasphemy recorded in a mix of colloquial Persian and Arabic of that time. These records make the collection an interesting sample of culturally contextual rulings that highlight colloquialisms of the day, in ways often quite humorous.⁵⁹

The *Fatāwā ʿālamgīriyya* lists nine different categories of blasphemy, that is, statements that render a person liable to a determination of unbelief. Those categories include: (1) statements about matters of faith and the religion of Islam; (2) statements about God's essence and His attributes; (3) statements about the prophets; (4) statements about the Qurʾān; (5) statements about prayer, fasting, and almsgiving; (6) statements about knowledge and Muslim scholars; (7) statements about what is permissible and impermissible, in addition to statements about Islamic legal rulings, sinners, and the like; (8) statements about the Day of Judgment; and (9) statements that approach blasphemy, commands to commit blasphemy or to declare unbelief, statements that teach apostasy, and statements and acts mimicking unbelievers.

(1) Statements about matters of faith and the religion of Islam⁶⁰

This category is concerned with issues of creed, ranging from belief in God to fine points detailing Sunnī Islamic theology. For example, it is blasphemous for a person to make statements exhibiting a view that belief and unbelief are the same.⁶¹ Moreover, suppose a man commits a sin and nevertheless affirms that “I am a Muslim: *musalmānam*.” It is blasphemous for anyone to respond:

59 For recent works providing discussions of select topics within and more detailed overviews of the *Fatāwā ʿālamgīriyya*, see Khalfaoui, “Pluralismus,” pp. 203–16; Gleave, “Crimes Against God.”

60 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, pp. 257f. (*mā yataʿallaq bi-l-īmān wa-l-Islām*).

61 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 257 (*man iʿtaqada anna l-īmān wa-l-kufr wāḥid*).

- a) “Damn you and your version of Islam: *la’nat bar tū va bar musalmānī-yi tū*.”⁶²

With such a statement, Ḥanafī jurists concluded that the person responding had cursed Islam itself. In another scenario, Ḥanafī jurists considered the case of a Christian man who converted to Islam just before his father died, which rendered him ineligible to inherit from his father. According to these jurists, it would be blasphemous for that new Muslim to lament:

- b) “If only I had not converted until now, so that I might have taken [my] inheritance from my father: *layta annī lam aslam ilā hādhā l-waqt ḥattā akhadhtu māl al-ab*.”⁶³

In one twist, these jurists held that it was even blasphemous for a Muslim to say:

- c) “I am a believer, if God wills: *ana mu’min in shā’ Allāh*.”⁶⁴

To say as much was to suggest that the speaker had no agency and that God was responsible for his current state of belief, and, by implication, would be responsible for his unbelief. The statement was blasphemous, the jurists said, unless the person offered an acceptable interpretation (*ta’wīl*) indicating that he meant only to indicate that he did not know about the future—and relied on God’s will—to allow him to *continue* to be a believer, by saying, for example: “I do not know if I will exit this world [and still be] a believer: *lā adrī akhruj min al-dunyā mu’minan*.” This is the sort of statement that begins to involve highly technical knowledge of the nature of Islamic theological debates on divine decree, predestination, and free will.

(2) Statements about God’s essence and His attributes⁶⁵

This category concerns statements the interpretation of which relies at times on knowledge of technical points of Sunnī creed, and implies a requirement

62 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 257 (citing *Khulāṣa*).

63 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 257f. (citing *al-Fuṣūl al-‘Imādiyya*).

64 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 257.

65 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 258–63 (*mā yata’allaq bi-dhāt Allāh wa-ṣifātih wa-ghayr dhālik*).

that Muslims maintain a level of that knowledge and a related sense of propriety in discussions about God. As an example of the former, the *Fatāwā* record that a person commits blasphemy if he or she: a) describes God with attributes inappropriate to Him: *yakfur idhā waṣafa Llāh ta'ālā bi-mā lā yaliq bih*; b) makes light of God's name or any of his commands: *aw sakhira bi-sm min asmā'ih aw bi-amr min awāmiri*; c) denies the reality of His promise of heavenly reward for good deeds and threat of punishment for bad deeds: *aw ankara wa'dah wa-wa'idah*; d) ascribes a partner, father, or wife to Him: *aw ja'ala lah sharīkan aw waladan aw zawjatan*; or e) ascribes to Him ignorance, incapacity, or [some other] deficiency: *aw nasabah ilā l-jahl aw-al-'ajz aw al-naqṣ*.⁶⁶ Examples of specific statements include making light of God's commands and the fact of His absolute authority, whether in seriousness or in jest. For instance, it is blasphemous for someone to say:

- a) "Even if God commanded me to do something, I wouldn't do it: *law amaranī Llāh bi-kadhā lam af'al*."⁶⁷

The same applies to comments made in jest or exaggeration as flippant expressions of love that do not accord to God His proper place. For example, it is blasphemous for a man to say to his wife,

- b) "You are more beloved to me than God: *anti aḥabbu ilayya min Allāh ta'ālā*."⁶⁸

Ḥanafī jurists did not agree on the status of statements that seemed to reject oaths sworn to God, which undoubtedly reflect an appropriate degree of propriety, in favor of oaths sworn with some worldly consequence. Thus they disagreed about a judicial proceeding in which one litigant requested that the other swear an oath, which the latter duly undertook by beginning to swear by God. The requesting litigating stopped him, and stipulated instead:

- c) "I don't want your oath [sworn on] God's [name]; I want the oath to be on pain of divorce or slave-manumission: *lā urīd al-yamīn bi-Llāh wa-urīd al-yamīn bi-l-ṭalāq aw al-'itāq*."⁶⁹

66 *al-Fatāwā al-'ālamgīriyya*, vol. 2, p. 259 (citing Ibn Nujaym, *Baḥr*).

67 *al-Fatāwā al-'ālamgīriyya*, vol. 2, p. 258.

68 *al-Fatāwā al-'ālamgīriyya*, vol. 2, p. 259 (citing *Khulāṣa*).

69 *al-Fatāwā al-'ālamgīriyya*, vol. 2, p. 262.

Some Ḥanafī jurists regarded that statement as blasphemous. But most were of the opinion that it was not, which the compilers of the *Fatāwā* conclude was the correct opinion. One explanation is that both types of oaths were deemed valid in Islamic law, and just because the first litigant's request for an oath stipulated that it come with familial and financial consequences, that request did not formally reject God and thus did not violate the norms of society or propriety in any absolute sense.

(3) Statements about the prophets⁷⁰

In this category, Ḥanafī jurists outlined the broad principle that anyone who did not acknowledge any of the prophets as prophets, or made statements rejecting any of their practices, committed blasphemy.⁷¹ This principle applied at both a highly general and a highly technical level. At the general level, for example, Ḥanafī jurists declared it blasphemous for anyone to say:

- a) “The Prophet, may God's peace and blessings be upon him, was crazy: *janna l-nabī ṣallā Llāhu ‘alayhi wa-sallam.*”⁷²

At the technical level, these jurists similarly declared it blasphemous for someone to say:

- b) “I believe in all of [God's] prophets but do not know whether or not Adam was a prophet: *āmantu bi-jamī‘ anbiya’ih wa-lā a‘lam in Ādam nabī am lā.*”⁷³

Similar technicalities about the fine points of particular beliefs in Sunnī creed took on sectarian dimensions too, as Ḥanafī jurists targeted the Shī‘a and members of other sects that did not subscribe to their own theological mainstream. For example, it was blasphemous for a Shī‘ī Muslim (referred to in the text by the derogatory term *Rāfiḍī*) to insult or curse “the two Shaykhs”—meaning Abū Bakr al-Ṣiddīq and ‘Umar b. al-Khaṭṭāb, the first two caliphs; even more so, for anyone to deny the [rightfulness] of the imāmate of Abū Bakr or of ‘Umar—as did the Shī‘a; and for anyone to be a Zaydī, a sect characterized

70 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 263–66 (*mā yata‘allaq bi-l-anbiyā’ ‘alayhim al-ṣalāt wa-l-salām*).

71 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 263.

72 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 265.

73 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 263 (citing *‘Attābiyya*).

as waiting for a prophet to abrogate the religion of “our prophet and master Muḥammad.”⁷⁴ Finally, Ḥanafis disputed some cases in this category. One such dispute concerned statements questioning the Prophet’s likes and dislikes. Thus, if one person informed another that the Prophet used to love something (for example, gourds), and the addressee responded,

c) “Well, I do not love that: *ana lā uḥibbuh*,”

one early Ḥanafī scholar, namely Abū Yūsuf, concluded that to state as much was blasphemous. Some later scholars reportedly disagreed. For them, if the person made the statement intending to insult or belittle, then it was blasphemous, but otherwise it was not.⁷⁵ Again, their rulings about the blasphemous character of such statements reflect the Ḥanafī jurists’ sense of propriety and the stance of deference that they determined Muslims must take toward God and His prophets. The shift in their positions displays how their definitions of propriety were constructed differently across time and place.

(4) Statements about the Qur’ān

A sense of propriety also figured into Ḥanafī jurists’ review of statements about the Qur’ān that they assessed for blasphemy. As a general matter, they deemed it blasphemous for a person to reject or mock any verse of the Qur’ān.⁷⁶ That determination applied even—or perhaps especially—in contexts that included plays on the words of the Qur’ān. For example, it was blasphemous for a person to say:

a) “By those who tear out with a definitive tearing: *Wa-l-nāzi’āti naz’an* (or *nuz’an*).”⁷⁷

The actual verse reads: “By those [angels] who tear out [the souls of the wicked] violently: *Wa-l-nāzi’āti gharqan*.”⁷⁸ To transpose the final word from “violently” to “definitive tearing”, whether mistakenly or intentionally, was a speech act that jurists deemed to be an unacceptable injury to the propriety and accuracy with which a Muslim should recite the Qur’ān. In a more direct criticism

⁷⁴ *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 264.

⁷⁵ *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 265.

⁷⁶ *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 266f.

⁷⁷ *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 267.

⁷⁸ Qur’ān 79:1.

against Muslims using the Qurʾān to make jokes, Ḥanafī jurists also deemed it blasphemous for someone to say, when invited to perform congregational prayer,

- b) “I want to pray by myself [because] God says ‘Verily prayer is *tanhā* [“alone”, in Persian]: *Ana uṣallī waḥdī; inna Allāh taʿālā qala ‘inna l-ṣalāta tanhā.*”⁷⁹

The speaker here would be using the Persian meaning of the word *tanhā*, and cutting off the full verse, to pervert its rather serious meaning to suit his joking nature or desire to be alone. In Arabic, the word in question means “to prevent,” and the full verse reads as follows:

Recite what was revealed to you and establish regular prayer, for prayer prevents shameful and unjust deeds, and remembrance of God is undoubtedly the greatest [thing in life]. God knows well what you do: *Utlū mā ūḥiya ilayka min al-Kitābi wa-aqimi l-ṣalāta inna l-ṣalāta tanhā ‘ani l-faḥshā’i wa-l-munkarī, wa-la dhikru Llāhi akbaru, wa-Llāhu ya‘lamu mā taṣna‘ūn.*⁸⁰

Finally, one statement produced some dispute:

- c) “I cleaned the house like [the verse] ‘by the sky and the star of piercing brightness:’ *khānah chunān pāk kardah keh chūn ‘wa-l-samā’i wa-l-ṭarīq.*”⁸¹

The verse is a reference to Qurʾān 86:1, wherein God swears by significant aspects of His creation, inviting humans to think about the fact of their having been created by God, as was everything else, large and small. One Ḥanafī jurist insisted that a statement like this would be blasphemous only if the speaker was knowledgeable about what he or she was saying. In other words, one can also read this opinion to mean that the statement would be blasphemous only if the speaker knew it to be making light of the Qurʾān, as doing so would be contrary to the propriety required of the members of a Muslim society.

79 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 267.

80 Qurʾān 29:45.

81 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 267 (quoting Qurʾān 86:1).

(5) Statements about prayer, fasting, and almsgiving⁸²

This category addresses irreverent statements related to three of Sunnī Islam's five pillars. One example is the following: Ḥanafī jurists concluded that if someone on his death bed is told to pray, and says,

- a) "I swear by God that I will never pray: *wa-Llāh lā uṣallī abadan*,"⁸³

and he in fact does not pray before he dies, he has committed blasphemy. Similarly, they concluded that it is blasphemous to say to the person making the call to prayer (*adhān*) when he finishes the call,

- b) "You lied: *kadhabta*."⁸⁴

On another score, they concluded only that it might be blasphemous for someone to complain about the fasting month of Ramadan, by saying:

- c) "The fasts of Ramadan have come around too soon: *rūzah-yi māh-i Ramaḍān zūd āyad*."

Some jurists viewed this statement as blasphemous—although at least one Ḥanafī judge said that it was not⁸⁵—likely judging that the speaker had not regarded fasting with the correct degree of propriety, which amounts to disparaging one of the pillars of Islam and Muslim society.

(6) Statements about knowledge and Muslim scholars⁸⁶

Surprisingly, this category seems to equate blasphemy with violations of propriety against scholars of religion, and, usually, of Islamic law—including against jurists as those who, according to Islamic societal norms, were traditionally deemed capable of articulating and clarifying the word of God Himself. In this vein, Ḥanafī jurists concluded that it was blasphemous for anyone to suggest that he or she disagreed with or considered false the knowledge imparted by such scholars, as in the following example:

82 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, pp. 267–70 (*mā yataʿallaq bi-l-ṣalāt wa-l-ṣawm wa-l-zakāt*).

83 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 268.

84 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 269.

85 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 270 (referencing al-Ḥākim ʿAbd al-Raḥmān).

86 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, pp. 270–72 (*mā yataʿallaq bi-l-ʿilm wa-l-ʿulamāʾ*).

- a) “[Scholars] are just people who teach mere stories posing as knowledge: *ānhā keh ‘ilm mī-āmuzand dāstānhā ast keh mī-āmūzand.*”

The jurists’ strict rule against making fun of scholars or scholarship included even mocking scholars’ actions. Ḥanafī jurists painted the following picture: A man sits in a raised position, typical of a scholar in a circle of students or petitioners. If people around him jokingly ask for his legal opinions on various cases, then hit him with pillows while laughing, all involved are guilty of making blasphemous statements and actions.⁸⁷ Similarly, there was the story of a reported capital case involving an injury to a scholar’s honor:

- b) A jurist one day forgot a book in a store and left. When he passed by the store again, the storeowner said to him “you forgot your hand-saw.” [The jurist] said, “There is a book of mine in your store, not a hand-saw.” The store owner retorted, “The carpenter cuts wood with a hand-saw, and you cut the throats of people with books: *darūdgar bi-dastarah chūb mīburad va-shomā bi-kitāb ḥalq-i mardomān.*”

When the jurist complained to the head judge of the town, Abū Bakr Muḥammad al-Faḍl, the judge reportedly ordered the offending storeowner to be put to death.⁸⁸ The storeowner had gone against Ḥanafī-defined societal demand for propriety in addressing scholars, teachers of the message of God and the Prophet Muḥammad. This Ḥanafī sentiment against such infractions of propriety went so far that some applied a determination of blasphemy even to minor insults—although others, to be sure, disputed it. For example, some Ḥanafīs deemed it blasphemous—or near blasphemous—to say of a scholar or righteous man something as simple as the following:

- c) “The sight of him to me is like the sight of a pig: *dīdār-i vay nazd-i man chunān ast keh dīdār-i khūk.*”⁸⁹

87 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 270–72.

88 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 271 (citing Ibn Burhān al-Dīn, *al-Muḥīṭ al-Burhānī*).

89 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 270. The Arabic text notes that anyone making such a statement should fear a determination of blasphemy (*yukhāf ‘alayh al-kufr*), following a general admonition that anyone who angers a scholar or man of God should fear such a ruling.

- (7) Statements about what is permissible and impermissible, in addition to statements about Islamic legal rulings, sinners, and the like⁹⁰

This category involves statements signaling an intent to go against the established rules of Islamic law. When considering other matters, Ḥanafī jurists concluded, for example, that it was blasphemous for a person to declare,

- a) “So long as I am alive, I will not restrict myself to observing permissible [legal acts]: *tā jarām bāyam kard* [*sic = tā jānam davām kard*] *ḥalāl nakardam*.”⁹¹

Likewise, it is blasphemous for a man told that he should deal only in permissible transactions to declare that he prefers impermissible ones, or worse, for him to say:

- b) “Show me someone in this world who deals only in the permissible and I will prostrate to him: *dar īn jahān yak ḥalāl-kh”ār biyār tā ū-rā sajdah konam*.”⁹²

But here too, there was disagreement about the extent of propriety due, for example, when it comes to someone who eats impermissible food, and says:

- c) “In the Name of God: *Bismi Llah*” (beforehand) or “All praise is due to God: *al-ḥamduli Llah*” (afterward).

Early Ḥanafīs deemed at least the first statement to be blasphemous, while some medieval Ḥanafīs deemed the second to be innocuous. Perhaps the rules of propriety had changed, or perhaps such a statement after the fact was seen as not violating the norm against implying that God sanctions clearly illegal acts. Both sets of Ḥanafī jurists, early and medieval, agreed that it would be blasphemous for someone to grab a drinking cup (*qadah*), then say “In the name of God” and drink from it.⁹³ In that case, doing so would represent a clear violation of

90 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 272–74 (*mā yata’allaq bi-l-ḥalāl wa-l-ḥarām wa-kalām al-fiqh wa-l-fujār wa-ghayr dhālik*).

91 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 272 (citing *Khulāṣa*).

92 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 272.

93 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 273.

the criminal law against drinking intoxicants, and would go against the propriety of invoking God's name when committing an act that He unambiguously prohibited.

(8) Statements about the Day of Judgment⁹⁴

This category polices the extent to which Muslims take the afterlife seriously. As a general matter, Ḥanafis maintained that it was blasphemous for any Muslim to make statements denying the realities of the Day of Judgment, paradise, hell, or—among other things—the scrolls on which Islamic creed maintains that all human actions are written.⁹⁵ They further specified statements where such denials might implicitly play out. If, for example, a man was told to “abandon this world in favor of the hereafter,” it was blasphemous for him to respond,

- a) “I am not leaving cash for credit: *ana lā atruk al-naqd bi-l-nasī'a*.”⁹⁶

Likewise, if a man was told not to sin, because there is another world after his life (at which time he would be judged), it would be blasphemous for him to say,

- b) “Who told you about this other world: *az ān jahān kī khabar dād?*”

Both of these statements went against the norms of confessing to the afterlife and maintaining the correct degree of propriety when discussing it. Yet, there were limits to Ḥanafī agreement on the blasphemous nature of such comments. For instance, they disagreed on whether it was blasphemous for a disputant to tell someone who owed him money, “If you don't give me [my money], I will [vindicate my claim against you] at the Gathering: *agar nadahī qiyāmat-rā īsitānam*” (which is supposed to occur on the Day of Judgment, when God is to raise all people and gather them for judgment), and for the debtor to respond:

94 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, pp. 274f. (*mā yataʿallaq bi-yawm al-qiyāma*).

95 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 274.

96 *al-Fatāwā al-ʿālamgīriyya*, vol. 2, p. 275.

- c) “The [Day of Gathering] is just a twinkle: *Qiyāmat bar mītābad*”.

While some Ḥanafis found this statement to be blasphemous if meant to deride the idea or reality of the Day of Judgment, at least one jurist declared that it was not.⁹⁷

- (9) Statements that approach blasphemy, commands to commit blasphemy or to declare unbelief, statements that teach apostasy, and statements mimicking unbelievers, explicitly or implicitly⁹⁸

This category is a catchall that aligns most closely with other schools’ treatments of blasphemy as an act of defamation. Some examples include the following, as before, the first two undoubtedly blasphemous and the last of disputed status for Ḥanafis:

- a) A person says to a Muslim, “Are you not Muslim: *A-lasta bi-Muslim?*” and the addressee responds, “No: *Lā*.”⁹⁹
- b) A man addresses his wife, “O unbeliever, Jew, Zoroastrian: *Yā kāfir, yā yahūdiyya, yā majūsiyya*.” She responds, “I am what you say,” or “I am what you say, so grant me a divorce,” or “If I were not as you say, I would not have stayed with you,” or “If I were not as you say, I would not be your wife,” or “Don’t touch me”: “*hamchunīn*,” or “*hamchunīn ṭalāq dah marā*,” or “*agar hamchunīn namī bā tū nabāshmī*,” or “*hamchunīn namī bā tū suḥbat nadaramī*,” or “*tū marā nadarī*.”

Ḥanafis deemed both sets of statements blasphemous, as either an explicit declaration of unbelief in the first instance, or an implicit statement that goes against the propriety of disputes in marriage, with the wife playing with religion and presumably false declarations of unbelief to get a divorce. A final example is one of disputed status. Ḥanafis could not agree on whether it was blasphemous for someone to address a foreign Muslim man or woman, or for a husband or wife to address his or her spouse, as follows,

97 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 274 (quoting Abū Layth [al-Samarqandī]’s *Fatāwā*).

98 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, pp. 275–83 (*ma yata’allaq bi-talqīn al-kufr wa-l-amr bi-l-irtidād wa-ta’līmih wa-l-tashabbuh bi-l-kuffār wa-ghayrih min al-iqrār ṣariḥan wa-kināyatan*).

99 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 277.

c) “O unbeliever: *yā kāfir* [or] *yā kāfira*,”

and for the addressee to say nothing in reply. One jurist, Abū Bakr al-A‘mash al-Balkhī, reportedly held that the one making the statement had committed blasphemy. But most jurists in his region, in Balkh, said that the one making the statement had not. According to the compilers of the *Fatāwā ‘ālamgīriyya*, the preferred opinion is that, if the speaker meant to insult the addressee but did not actually believe him or her to be an unbeliever, the speaker’s statement was not blasphemous. But if the speaker believed his or her own statement, then it was blasphemous.¹⁰⁰ This rule referred to situations in which the addressee was unambiguously Muslim, meaning that to accuse a Muslim of unbelief was itself an act of unbelief. Moreover, reading the Ḥanafī rules of defamation, one might say that to accuse a fellow Muslim of unbelief went against the propriety of dealing with members of Muslim society as laid out in the rules of defamation generally.

6 Conclusion

The foregoing discussion has attempted to show the link between notions of society and propriety forged in Ḥanafī law, in order to make sense of the category of “God’s rights” through examining two types of speech criminalized in classical Islamic law: defamation and blasphemy. Ḥanafīs alone among Muslim jurists saw the first type of criminal speech to be a matter of God’s rights, viewing that category as related not just to societal or public interest, but something more specific. Namely, the notion of God’s rights as conceived of by Ḥanafīs in this context embodied *public values*. Even when it came to the crime of defamation, which other jurists regarded as an intensely personal offense in nature, Ḥanafīs insisted that defamatory statements had to be punished precisely because they saw them as public. They rejected the ability of a plaintiff to pardon, as they deemed it necessary to vindicate the public values that they viewed as offended by the act of defamation in public space, an act contrary to God’s commands and in violation of the norms applicable to Muslim society. This Ḥanafī position on society was further refined in centuries-long discussions of the specific types of defamation that involved blasphemy: irreverent statements about God and His Prophet (and, in a noticeably broad interpretation, statements that included irreverent remarks about the jurists who articulated the laws of both).

100 *al-Fatāwā al-‘ālamgīriyya*, vol. 2, p. 278 (citing *Dhakhīra*).

The examination of those statements—sampled here as a mix of definitive and disputed determinations of blasphemy—shows the culturally inflected and disputed nature of the Islamic law of blasphemy and of the accompanying idea of God's rights. More often than not in the medieval Islamic world, offenses against public values appear to be violations of rules of propriety in approaching serious and often technical matters of theology, law, and respect for jurists—doctrines that did not develop until centuries after Islam's advent. As such, these Islamic laws of defamation and blasphemy provide a striking presentation of the social construction of one aspect of Islamic law. They show the extent to which the laws of defamation and blasphemy, billed as God's rights, and constituting a category of Islamic legal rules that is ostensibly and quintessentially "religious," come down, in fact, to conventional understandings of society and propriety.

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Literary Works as Evidence of Unbelief

Zoltan Szombathy

1 Introduction

In recent decades a number of high-profile cases called public attention to the potential of literary texts to cause offence to some Muslims and lead to responses as severe as excommunication from the Muslim community (*takfīr*) and concomitant death threats. These cases typically involved famous authors of Muslim faith, or origin, declared unbelievers solely on the grounds of a work of belles-lettres. Clashing with modern notions of artistic freedom, these alarming incidents proved puzzling to many secularised minds and were typically presented in a highly sensationalistic manner in the western press. They certainly served to call attention to an important fact: charges of unbelief may have very serious consequences and are anything but an academic issue. The *cause célèbre* of this type of *takfīr* was of course Salman Rushdie's novel *The Satanic Verses*, although it was not the only case of its kind.¹ This case has been publicised to the extent that it appeared to come out of the blue, as though it represented a totally new, sinister development without antecedents in Islamic culture. However, the notion that the contents of a literary work can be grounds for declaring the author's unbelief—with all the attendant legal consequences of that verdict, at least in theory—is in fact nothing new, and can be attested in pre-modern Islamic culture in both juridical works and other types of texts. The subject was highly controversial, and it deserves an analysis chiefly because it sheds light on mediaeval Muslim notions of ordinary versus literary discourse, and the ways in which such notions interacted with Muslim

1 Comparable cases include some reactions to the novel *Awlād ḥāratinā* by Nobel laureate Najīb Maḥfūz and the less publicised cases of 'Alā Ḥāmid in 1992 and Ḥaydar Ḥaydar in 2000. Also cf. Redissi, *Les politiques en Islam*, pp. 137–139 on similar cases.—Beyond the predictable shallow journalistic treatments, the Rushdie affair was a good occasion for many intellectuals to think on, and address in more depth and introspection, issues of freedom of expression, censorship and artistic production. Two thoughtful essays intended for a general readership and well worth reading are Webster, *Brief History*, and Ruthven, *Satanic Affair*. Webster in particular is provocative and thought-provoking, offering fresh viewpoints and challenging some of the dearly held clichés about the supposedly total freedom of speech in secularised western societies versus repression elsewhere.

legal concepts regarding criteria of *takfir*. In keeping with the general subject of this volume, I will focus on the issue of what motifs would qualify as evidence for an author's unbelief, how that evidence would be treated for legal purposes, and what the potential consequences were. Discussing legal practice, as opposed to theory, in detail would go well beyond the scope of this essay; I will touch upon this aspect only briefly, just enough to indicate that theory and practice, as in many other questions of Islamic law, could diverge considerably.

2 Indicants of *Kufr* in Literary Texts

A literary treatise dedicated to the career and oeuvre of the notorious libertine poet Abū Nuwās seems an appropriate starting-point for this study. The author is best known as Ibn al-Muzarra' al-Shāmī. He grew up in Syria—hence his *nisba*—but moved to Baghdad to spend the rest of his life there. The son of a nephew of the great writer al-Jāhiz, he was also a transmitter of much literary material by the latter and a literary expert in his own right, especially on the 'modern' (*muḥdath*) poetry of the Abbasid period. He wrote a treatise to point out the shortcomings of the poetry of Abū Nuwās. This would signal enmity towards the libertine poet, but in fact he admired the latter's *oeuvre* and preferred him to all other 'modern' poets.² The treatise encompasses, inter alia, a listing (and citation) of the verses that Ibn al-Muzarra' felt constituted *kufr*, an opinion indicated by the heading *kufriyyāt*.³ The sample is helpful in providing a fairly representative list of the literary themes and motifs that could potentially draw accusations of *kufr*.

The example cited first is a well-known verse:

*Yā Aḥmadu l-murtajā fī kulli nā'ibatin: qum sayyidī na'ṣi jabbāra
l-samāwātī.*

Oh Aḥmad, the man to wish for in times of calamity: come, my lord, let us disobey the Almighty in heaven!⁴

The reason this verse was felt to signal *kufr* is obvious. It contains an exhortation to commit acts forbidden by God, which can be understood as incitement to disregard religious laws. Certain other verses constitute unbelief because

2 *Dīwān Abī Nuwās*, vol. 5, p. 356.

3 Ibn al-Muzarra', *Sariqāt Abī Nuwās*, pp. 144–146; and *Dīwān Abī Nuwās*, vol. 5, pp. 458–460.

4 Also cited in *Dīwān Abī Nuwās*, vol. 3, p. 57.

they hint at a denial of Islamic tenets concerning the afterlife. Here are two typical examples:

Tamatta' bi-l-khumūri wa-bi-l-liwāṭi wa-lā takhsha l-murūra 'alā l-ṣirāṭi.
Enjoy wine and sodomy, and have no fear of passing over the *ṣirāṭ* bridge
[on Judgement Day]!

*A-atruku ladhdhata l-ṣahbā'i naqdan li-mā wa'adūhu min labanin
wa-khamrī?*

Should I forego the pleasure of wine, which is ready cash, [and go] for
their [mere] promises of milk and wine [in Paradise]?⁵

As these verses show, there can be significant overlap between the categories. A verse may urge the reader to seek prohibited pleasures, and then justify it by denying the validity of Islamic dogma. The following verse contains not only a dismissal of religious prohibitions but implicitly suggests a lack of belief in the existence of God:

Qālat: ḥarāman tabtaghī, qultu: lā, man ḥarrama l-nāsa 'alā l-nāsī?
She said, "You wish what is forbidden", and I said: "No! Who is it that
forbade people to [seek sex with] people?"

The most indisputable—because explicit—evidence for *kufr* is found in a piece in which Abū Nuwās actually claims to be an atheist:

Bāḥa lisānī bi-muḍmari l-sirrī wa-dhāka annī aqūlu bi-l-dahrī.
Wa-laysa ba'da l-mamāti fādīḥatun wa-innamā l-mawtu bayḍatu l-'uqrī.
My tongue has made my secret public, namely that I believe in atheism.
There is no calamity after death: dying is the end of all [lit. the last egg
laid by a hen].

According to the author of the treatise—who is by no means hostile to the libertine poet—this whole sample can be seen as evidence of *kufr*. As noted above, Ibn al-Muzarra' uses this label to characterise the contents of these verses. In all probability, few contemporary littérateurs would have disagreed with that verdict. For one, the *qāḍī* Abū l-Ḥasan 'Alī al-Jurjānī (d. 392/1002) makes the

5 Curiously, the quotation is not continued, although the next verse appears even more outrageous from a religious point of view: "Life, then death, then resurrection: mere tales, oh Umm 'Amr . . ." (*ḥayātun thumma mawtun thumma ba'thun: ḥadīthu khurāfatin yā Umma 'Amrī*). See al-Jurjānī's sample below, where the additional verse is also cited.

same assessment in his book on the poetic excellence of al-Mutanabbī, where he states that the most blasphemous works of al-Mutanabbī—another poet often described as being of doubtful religious conviction on the basis of some of his verses—pale beside some poems of Abū Nuwās. Interestingly, he uses a very similar selection of verses by Abū Nuwās to illustrate his point. Al-Jurjānī's sample contains some longer quotations from poems and also mentions a poem of five verses that does not feature in Ibn al-Muzarra's list. This additional example displays the same categories of motifs signalling *kufṛ* that I identified above in Ibn al-Muzarra's sample.⁶ Cited below is the greater part of al-Jurjānī's sample without commentary on the offending themes, since they tend to resemble those already discussed:

Qultu wa-l-ka'su 'alā kaffayya tahwā li-'ltithāmī:

Anā lā a'rifu dhāka l-yawma fī dhāka l-zihāmī.

I said, while the cup was in my palms, coming closer to kiss me:

I know nothing of *that* day [of Judgement] and that great tumult there.

Yā 'ādhilī fī l-ṣamti: dhā hajrū, lā qadarun ṣaḥḥa wa-lā jabrū.

Mā ṣaḥḥa 'indī min jamī'i lladhī yudhkaru illā l-mawtu wa-l-qabrū.

Fa-'shrab 'alā l-dahri wa-ayyāmihi fa-innamā yuhlikunā l-dahrū.

O you reproaching me for being silent: this is drivel; neither free will nor predestination are true.

Nothing of what is mentioned is true in my view, except death and then the grave.

So drink to blind time and its many days, for nothing but time makes us die.⁷

A-atruku ladhhdhata l-ṣahbā'i naqdan li-mā wa'adūhu min labanin wa-khamrī?

Ḥayātun thumma mawtun thumma ba'thun: ḥadīthu khurāfatīn yā Umma 'Amrī.

6 al-Jurjānī, *al-Wasāṭa*, pp. 63f. Some of the verses were occasionally attributed to other poets instead of Abū Nuwās; see for instance Wagner, *Abū Nuwās in der Nebenüberlieferung*, pp. 99, 117.

7 This verse is more scandalous than its English translation can suggest, since the second hemistich is an almost literal quotation of a Qur'ānic phrase (45:24) that seeks to illustrate the typical reasoning of atheists. See a concise commentary on the Quranic context in al-Bayḍāwī, *Anwār al-tanzīl*, vol. 2, p. 389.

Should I forego the pleasure of wine, which is ready cash, [and go] for their [mere] promise of milk and wine [in Paradise]?

Life, then death, then resurrection: mere tales, oh Umm 'Amr . . .

Fa-da'i l-malāma fa-qad aṭa'tu ghawāyatī wa-nabadhtu maw'izatī warā'a jidārī,

Wa-ra'aytu ithāra l-ladhādhati wa-l-hawā wa-tamattu'an min ṭibi hādhi l-dārī

Ahrā wa-aḥzama min tanaẓẓuri ājilin ẓannī bihi rajmun mina l-akhbārī.

Innī bi-ājili mā tarayna muwakkalun wa-siwāhu irjāfun mina l-āthārī.

Mā jā'anā aḥadun yukhbīru annahu fī jannatin mudh māta aw fī l-nārī.

Stop reproaching, for I obey my sinful ways and hurl the sermons behind the wall,

And I think that to prefer pleasures and whatever I like, and the enjoyment of what is good in this world

Are better and wiser than waiting for a distant [reward], believing in which is a mere conjecture.

I keep to what is here and now as you see, and what is beyond that is a false rumour of a tradition.

No one has come to inform us that he has dwelt since his death in either Paradise or Hell.

It is noteworthy and significant that, despite the all-too-obvious meaning of some of these verses, al-Qāḍī al-Jurjānī is noticeably reluctant to use the actual word *kufṛ*. Even though that is clearly the meaning he is driving at, he prefers to use circumlocutions like *ḍi'f al-'aqīda* (weakness of faith), *sū' al-'aqīda* and *sū' al-i'tiqād* (erroneous faith), *fasād al-madhhab fī l-diyāna* (corruption of religious convictions). Whether the different, if in both cases condemnatory, terminology applied by Ibn al-Muzarra' and al-Qāḍī al-Jurjānī respectively expresses a more profound difference between their views must remain anyone's guess. Since Ibn al-Muzarra' also tries to absolve Abū Nuwās of the accusation of having been an unbeliever in the proper sense, we should probably not attach too much significance to al-Jurjānī's use of more hesitant synonyms for 'unbelief'.

Of course Abū Nuwās is not the only Arab poet ever to have been thought or branded an unbeliever. Another usual suspect of similar fame is Abū l-'Alā' al-Ma'arrī (d. 449/1058),⁸ and as we will see towards the end of this essay

8 For instance, although the meaning is all but submerged under a deluge of rhymed prose it is clear that the anthologist al-Bākhazī accuses al-Ma'arrī of *kufṛ* on account of the latter's

several other less-known names can be mentioned in this context. The above selection, however, illustrates perceived signs of *kufṛ* in literature quite well.

3 Literary Texts as a Legal Issue

Indeed, the sample offered above of literary *kufṛ* should be a good starting point in more than one sense. Firstly, because it happens to exemplify most of the literary themes that might occasion accusations of unbelief.⁹ Secondly and equally importantly, because they are a somewhat arbitrary collection of examples rather than a discussion of abstract principles. This is precisely the way mediaeval Islamic *fiqh* typically approaches the issue. As we will argue presently, the writings of Islamic jurists dedicated to the question of *kufṛ*-by-text tend to proceed in a piecemeal fashion, from example to concrete example, instead of trying to establish abstract principles of identifying proofs of an author's unbelief in a text. Still, a few Islamic legal works do seek to find such abstract principles, and these sources clearly show that the above sample of verses is indeed representative of the possible signs of *kufṛ* in literary texts. Taking two quite dissimilar legal works, we see an overall agreement on the general grounds of *takfīr*, if not on the details of particular cases. One of these is the *Kitāb al-Baḥṭh* by the Zaydī Mu'tazilite scholar Abū l-Qāsim Ismā'īl al-Bustī (d. ca. 420/1029). He classifies possible types of *kufṛ* into the following categories: ignoring the existence of God, anthropomorphism, departure from monotheism, and regarding God unjust (*tajwīr* or *taẓlīm*) or mendacious (*takdhīb*), with the latter category encompassing all manner of (to him) erroneous theological views and offensive statements.¹⁰ Another work that offers a definition of *kufṛ* on an abstract level is from a totally different region and cultural milieu. It is a ruling by al-Abyārī cited in the *fatwā* collection of the North African Malikite al-Burzulī (d. 841/1438) and corresponding to the view of other Malikite authorities too, like al-Qarāfī (d. 684/1285). Here we read that *kufṛ* can be established on three grounds only, namely the following: first, beliefs that are self-evidently *kufṛ* (like denying God's existence or prophethood); second,

book *al-Fuṣūl wa-l-ghāyāt*, understood by many as an attempt to imitate and surpass the Qur'an. Al-Bākhārī also cites a poem by Muḥammad b. Iṣḥāq al-Baḥḥāthī al-Zawzanī that states that al-Ma'arrī has ceased to be a Muslim. See 'Alī b. al-Ḥasan al-Bākhārī, *Dumyat al-qaṣr*, vol. 1, pp. 157f.

9 With the exception of denigrating the Prophet, which Abū Nuwās is not known to have done and which is rare in mediaeval texts by Muslim authors.

10 al-Bustī, *Kitāb al-baḥṭh 'an adillat al-takfīr wa-l-tafsīq*, p. 6.

things that cannot conceivably be said or done by anyone but an unbeliever (*ṣudūr mā lā yaqaʿu illā min kāfir*); and third, denying the validity or necessity of intrinsic elements of religion as prescribed by God (which is tantamount to *takdhīb*, calling God a liar).¹¹ The second and third categories are particularly relevant, based as they are on indirect indicants of unbelief, but as some of the citations from Abū Nuwās show, the first category may also have occasional relevance to the issue of *kufṛ* in literature.

The fact that the samples of *kufṛ*-in-text put together by *littérateurs* appear to correspond to—and in all probability reflect—the opinions of legal savants to a large extent is extremely important. It is doubtful that such verdicts of *kufṛ* as those made by Ibn al-Muzarraʿ or al-Jurjānī would carry any weight, coming as they did from men of letters, not *ʿulamāʾ*—or at any rate, from men who were wearing their *littérateur's* hat even if they were also jurists. In principle, what really mattered was not the grumbling of literary critics but the considered opinion of the experts of religious law. Determining if a statement constituted *kufṛ* was in theory—and to a large extent in practice as well—the province of the *ʿulamāʾ* class.¹² Therefore, while it may be interesting and even instructive to note the imputations of *kufṛ* to certain poets by anthologists and men of letters, it is more important to learn what religious scholars had to say about the issue.

To appreciate the views of Muslim jurists regarding *kufṛ* in literary texts, a number of preliminary observations are in order. The first of these is that Islamic jurisprudence is as a rule not concerned with investigating the contents of entire literary works. (Indeed, as will be presently argued, it is not concerned at all with what is usually called 'literature' in modern western languages.) In traditional Islamic jurisprudence, an author may not be declared an unbeliever on the basis of the overall spirit of his work; there must be some concrete phrase or statement in the text that can be shown to express unbelief. Instead of analysing entire texts, Muslim jurists are concerned with assessing isolated motifs. Every literary motif or theme was in effect understood as a discrete 'statement' comparable, as we will presently argue, to just any kind of ordinary, non-literary statement, whether written or spoken. As such, a literary motif (or 'statement') would be evaluated and deemed to fall within one of three categories: laudable, neutral, or censurable. Of these categories, the first two are irrelevant for *takfīr*, and while the third category may cause

11 al-Burzulī, *Fatāwī l-Burzulī*, vol. 1, p. 405.

12 Kruse, "Takfīr und ḡihād," pp. 426f. As we will argue further on, what really mattered in practice was the decision of rulers and authorities, but they too usually needed the consent of the leading jurists.

takfīr, it will not necessarily do so. ‘Statements’ classified as censurable could still be subdivided into those considered immorality (*fisq*)—a far less serious offence—and those justifying the label of unbelief (*kufr*). It is only the latter type that is the concern of this essay.

Thus for legal purposes literary discourse was not treated differently from ordinary speech. ‘Literature’ is not a concept native to mediaeval Muslim culture. Some other relevant terms—most importantly, ‘poetry’ (*shiʿr*)—are, but here too Muslim jurists refused on principle to allow a distinct treatment on the basis of the specific type of discourse. Texts are texts, period. Indeed, texts are even something more basic still: collections of discrete ‘statements’ in the sense described above. However alien to a contemporary western way of thinking this approach may be, it has a logic of its own. Islamic law is, first and foremost, founded upon two textual sources—the Qurʾān and the corpus of prophetic traditions—which say very little about literature as such. As noted above, ‘poetry’ is a native concept to the Arabic language, indeed a culturally prominent concept, yet here again the founding texts of Islamic jurisprudence barely touch upon the subject beyond some vaguely deprecatory comments on poetry (e.g. Qurʾān 26:224–7, and certain *ḥadīths* comparing poetry to pus filling a man’s stomach) which Muslim scholars of later generations found easy to explain away.¹³ There being no compelling scriptural grounds for treating poetry—and more generally, texts of a literary character—as substantially different from ordinary speech, the distinction was not made. The rejection of such a distinction was even turned into an explicit principle, summarised in the oft-cited words of the imam al-Shāfiʿī (d. 204/820):

Poetry is [a kind of] speech: whatever is good [in poetry] is like good speech, and whatever is bad in it is like bad speech (*al-shiʿr kalām: ḥasanuhu ka-ḥasan al-kalām wa-qabīhuhu ka-qabīh al-kalām*), except that it is a durable and widely known [type of] speech, which is its added feature vis-à-vis [ordinary forms of] speech.¹⁴

13 E.g. Ibn Muflīḥ Shams al-Dīn Muḥammad al-Maqdisī, *Kitāb al-furūʿ*, vol. 3, p. 638. Given the huge and continuing popularity of poetry among Arabic speakers, including many *ʿulamāʾ*, it is hardly surprising that an overall negative assessment of poetry was unlikely to take root in Islamic jurisprudence.

14 Muḥammad b. Idrīs al-Shāfiʿī, *Kitāb al-Umm*, vol. 7, p. 513. A slightly different wording of this dictum is identified by the Shāfiʿite author al-Haytamī as a *ḥadīth mursal*; see Abū l-ʿAbbās Aḥmad b. Muḥammad al-Haytamī, *al-Zawāʾij*, vol. 2, p. 215. The Ḥanbalite Ibn Muflīḥ al-Maqdisī (d. 763/1362) also adopts this principle; see Ibn Muflīḥ, *Furūʿ*, vol. 3, p. 638.

This approach has profound significance and some practical consequences. Since there is no legal distinction between the consequences of a statement in a literary text and, say, something uttered in casual conversation, works of *fiqh* that deal with offensive ‘statements’ tend to contain a curious, undifferentiated mixture of banal, everyday utterances, speech acts such as oath or divorce formulae, and literary motifs. It is in these works—in some cases sections within comprehensive manuals of positive law—that one finds scattered information on signs of *kufṛ* in literature.

The subject of identifying signs of unbelief in statements seems to have pre-occupied scholars of certain legal schools more than it did others. I have no explanation for this specialisation, apart from the force of scholarly tradition. Whatever the reason, the Shāfi‘ite scholar al-Haytamī (d. 974/1567) correctly remarks that it is Ḥanafite and Shāfi‘ite jurists—including himself—that show particular interest in this problem. In his words, “those who took an interest in this subject were mostly the Ḥanafites, and then our fellows [viz. the Shāfi‘ites]”.¹⁵ For instance, the *fatwā* collections of the Ḥanafite Abū l-Layth al-Samarqandī (d. 375/985–6) and Abū l-Faṭḥ al-Walwālījī (d. 540/1145–6) both contain lengthy chapters on statements indicative of *kufṛ*. Other jurisprudents went further and discussed the subject in special treatises, including the influential *Risāla fī l-alfāz al-mukaffirāt* by Muḥammad b. Ismā‘īl Badr al-Rashīd (d. 768/1366–7).

4 The Problem of Intent

The distinction between literary discourse and ordinary speech acts was not the only distinction that is important from a modern western point of view but often disregarded in mediaeval Muslim juridical thought. Mode of delivery was another, genre yet another. Perhaps most importantly, purpose and tone of a text could also be treated as irrelevant from a legal point of view. To put it in simpler terms, the serious and jesting registers (*jidd* and *hazl* respectively) were often not distinguished. According to this (implicit or explicit) principle, an author is accountable for the outward meaning of the statements he makes, whether he is serious or joking.

A detour is necessary here, since the whole issue forms part of a more general problem that occupies a central position in Islamic law. It is the problem of the role of intent (as opposed to the apparent or surface meaning of a statement) in assessing speech acts. A complex issue that affects most of Islamic

15 Abū l-‘Abbās Aḥmad b. Muḥammad al-Haytamī, *al-I‘lām*, p. 347.

jurisprudence, the problem is especially acute in cases of *takfīr* on the basis of a text.

To determine what another person may have meant by making a statement is a tricky business. Unless the text is completely irrational, there must be a primary, superficial reading available, but what if the text is ironic, or sarcastic, or if the wider context puts it in quite another light, or if the person making the statement simply expressed himself inaccurately? Ultimately the ‘real meaning’, the inner meaning, depends on knowing another person’s mind, which is by definition hidden from us. As Powers notes in his lucid study on the role of intent in Islamic law, intent is internal and subjective, a state of mind. To know another person’s state of mind is virtually impossible, thus the best jurists can hope to do is to look for outward signs—in his words “objective indicants”—of that subjective state that allow a reasonable inference.¹⁶ A text, whether spoken or written, may be taken as such an objective indicant. However, in certain cases with particularly grave consequences, like accusations of *kufr* on the basis of a text, such indicants might not be considered sufficient to prove intent. Texts often being ambiguous and open to differing interpretations—not really “objective” if you like—a positive statement of intent by the perpetrator might well be necessary.

In Islamic law the fundamental principle seems to be that intent does matter. When it does not, this neglect is always warranted by some special reason.¹⁷ Practically all *fiqh* manuals emphasise the importance of intent for judging people’s acts and statements. This importance is further highlighted by several *ḥadīths*, some of which—especially the famous *innamā l-a‘māl bi-l-niyyāt* (“acts are [to be judged] by the intentions [behind them]”)—are found in almost all legal sources and *ḥadīth* collections.¹⁸ Intent, then, tends to be a crucial element in assessing an act or a statement from an Islamic legal point of view. Still, in the various fields of Islamic law, the centrality and importance of intent vary. In cases of *kufr* in literary texts, the issue is particularly complicated. To simplify the complexity of the issue, we will reduce the variety of opinions to two general approaches among Muslim jurists to the problem of intent (*niyya*). One of these allows for the examination of intent. This group of scholars were amenable to considering authorial intention as a legal factor, indeed regarded it as crucial to the process of legal evaluation. Diametrically

¹⁶ Powers, *Intent*, p. 3.

¹⁷ Powers, *Intent*, p. 3.

¹⁸ Powers, *Intent*, pp. 1, 30. For a sample of *ḥadīths* stressing the importance of intention, instead of formalistic criteria of religious observation, see for instance al-Suyūṭī, *al-Ashbāh*, pp. 13f.

opposed to this, the alternative approach is to exclude intent from the factors examined in the process. These scholars posited that, since no one could read another's mind, everyone must be held responsible for what they actually said or wrote. Both approaches are juridically legitimate since both have parallels in other areas of Islamic law. The two areas that furnish ready analogies are civil law (especially the law of contracts and personal status) and criminal law (especially the part regulating the *ḥadd* penalties).

At a superficial glance, the importance, hence the thorough examination, of 'statements' in both accusations of apostasy-by-text and in contract law makes these two fields analogous in this respect. (It should be recalled that no distinction would be made between literary and non-literary 'statements'.) In civil law—more particularly, in the regulation of contracts—statements are all-important, which makes them highly relevant to our topic. Contract law distinguishes two types of speech acts, *ṣarīḥ* (explicit) and *kināya* (allusive, figurative), with the latter category subdivided into two subtypes, clear (by which conventional or hackneyed is meant) and ambiguous. When it comes to examining intention in a statement of sale and purchase, for example, it is only the clear subtype of *kināya* that qualifies for the process, since *ṣarīḥ* speech is binding in all circumstances while ambiguous *kināya* never is.¹⁹ This contrasts strongly with the procedure applied for blasphemous texts ('statements'), in which many jurists are willing to allow intent to be examined even in cases that are quite clear. The frequent recourse by jurists to examining intent to neutralise blasphemous texts is more analogous to the field of *ḥadd* punishments than to contract law.

The reluctance to apply the prescribed punishment for apostasy evidenced by blasphemous statements shows a parallel with the treatment of *ḥadd* punishments. There is a marked tendency in Islamic law to try to neutralise the more draconian *ḥadd* punishments and apply them only if absolutely inevitable, an effort referred to as *dar' al-ḥudūd*.²⁰ Methods of *dar' al-ḥudūd* are too intricate and inventive to permit a survey here; suffice it to say that Muslim jurisprudents devised several ways, substantive as well as procedural, to allow for the non-application of most cases of *ḥadd* punishments. The prescribed punishment for apostasy, though harsh, is not one of the *ḥadd* sanctions. Nonetheless many Muslim jurists seem to manifest the same reluctance to apply the prescribed capital penalty without trying all possible means of averting it. The cultural background being Islamic, this attitude is even supported by *ḥadīths*—a remarkable number of them—that warn against offhand

19 Powers, *Intent*, p. 98.

20 On *dar' al-ḥudūd*, see Fierro, "Idra'ū l-ḥudūd bi-l-shubuhāt".

accusations of unbelief.²¹ Whether these *ḥadīths* do originate with the Prophet is a moot point; what matters is that they clearly represent an important streak in Muslim pietistic thought that strongly opposed the practice of *takfīr* against fellow-Muslims.

5 The Formalistic Approach

We begin the following survey of legal opinions with proponents of the more formalistic approach. Jurists refusing to take intent into consideration had grounds for this attitude, since in certain fields of Islamic law, even within civil law, intent is explicitly regarded as irrelevant. Marriage, which like apostasy is based on a statement, is one possible analogy. In marriage intent is not taken into consideration, jesting statements being taken at face value. As the Andalusian Malikite jurist Ibn Ward al-Tamīmī (d. 540/1146) puts it with aphorism-like brevity, “jesting regarding marriage is seriousness” (*ḥazl al-nikāḥ jidd*).²²

Some jurisprudents recommended a comparable approach to offensive statements (literary or otherwise). According to this view, joking should be no excuse if the apparent meaning of a text constituted *kufṛ*. Here is the Malikite *qāḍī* ‘Iyāḍ al-Yaḥṣubī (d. 544/1146) specifying how to deal with jestful utterances about the Prophet Muḥammad:

No-one must be excused in [matters of] unbelief by stupidity or by claims of a slip of the tongue . . . [...] Regarding someone who, incapable of watching what he speaks and holding his tongue, says frivolous things and indecent words which indicate that he makes light of the greatness and glory of his Lord [...] without really meaning [words of] unbelief and disrespect and without intending atheism (*ghayr qāṣid li-l-kufṛ wa-l-istikḥfāf wa-lā ‘āmid li-l-ilḥād*): If this happens repeatedly and he becomes known for it, then it is evidence that he plays with his

21 See a good collection in Ibn ‘Abd al-Barr, *al-Istidhār*, vol. 8, pp. 548–554.

22 Ibn Ward, *Ajwibat Ibn Ward*, p. 139. Also see Powers, *Intent*, pp. 123f., 127. This contrasts with the principles governing the major part of Islamic contract law. Contracts regarding goods are substantially different from those involving living persons, such as prospective spouses, and it should not come as a surprise that the legal regulation of the respective areas should differ starkly even in its basic principles. On this point, see Johansen, “Valorization,” p. 72.

religion and that he shows disrespect to the honour of his Lord and does not know His infinite glory; and all this is unbelief (*kufr*) beyond dispute.²³

A similar verdict is given by the Ḥanafite al-Turkumānī (d. 8th/14th–9th/15th c.) about jesting uses of *iqtibās* (Qur'ānic quotations). Having mentioned concrete examples of the phenomenon, he concludes that all this constitutes *kufr*, making no allowance for claims of mere jesting.²⁴

In addition to general formulations of principles, this approach is attested in concrete legal cases as well. In al-Wansharīsī's collection of Malikite *fatwās* one finds the interesting case of a poet who was reproached for writing sycophantic praise poetry about a despotic ruler. His critic recounted a dream in which the Prophet appeared to him, ordering him to tear up the papers containing such poetry. (Since dreams tended to be taken very seriously, and it was further believed that visions of the Prophet were genuine messages from him, this criticism carried more weight than a modern observer would be inclined to attach to them.) However, the flippant poet gave this sarcastic reply: "Poor Muḥammad, taking all the trouble [of travelling all the way] from Medina to here." Confronted with the scandal this reply caused, the poet defended himself by claiming he had been referring to a *ḥadīth* in which the Prophet Muḥammad expressed a wish to die and be resurrected a *poor* man. Despite this excuse, the *muftī* opined that the offender should be executed, adding that the sentence could only be carried out by the ruler.²⁵ For this *muftī*, the intended meaning of the remark, as opposed to the apparent sense of the words, was simply irrelevant.

The view that jesting must be treated on the basis of its literal meaning was given added weight by reference to an element of Qur'ānic vocabulary. The verb *istahzā* (to deride) and its derivatives occur several times in the Qur'ān (e.g. 4:140, 6:10, 30:10, 43:7, etc.) in reference to the unbelievers' scornful reaction to the message of the Prophet. For this reason, far from being a harmless descriptive term expressing irony or sarcasm, an accusation of

23 al-Qāḍī 'Iyāḍ, *Kitāb al-Shifā'*, pp. 353f., 386f. The Central Asian Ḥanafite jurist al-Walwālījī appears to be of the same opinion in one of his *fatwās*, as is the Zaydite imam Abū Ṭālib al-Nāṭiq (d. 424/1032). See al-Walwālījī, *al-Fatāwī*, vol. 5, p. 422; Ibn Miftāḥ, *al-Muntaza' al-mukhtār*, vol. 10, pp. 51f.

24 al-Turkumānī, *Kitāb al-Luma'*, vol. 1, pp. 178f.; and also see al-'Askar, *al-Iqtibās*, pp. 89f. For a detailed *fatwā* on *iqtibās*, see al-Suyūṭī, *al-Ḥawī li-l-fatāwī*, vol. 1, pp. 248–272.

25 al-Wansharīsī, *al-Mi'yār*, vol. 2, pp. 364f.

istihzā, ‘derision’, could in practice equal a charge of *kufṛ*. Indeed, the Qur’ānic context of the word does fully justify the equation of *istihzā*’ with *kufṛ*, unbelief.²⁶ Applying this term to a literary motif was, then, an extremely grave verdict that the English term ‘derision’ cannot half render. It is an important semantic difference whether a Muslim jurist renders the concept of ‘jesting’ by *istihzā*’ or by other, less grave, terms. In fact, one can observe the word *istihzā*’ being used precisely to justify the aforementioned lack of distinction between jest and earnest. Here is the Damascene Ḥanbalite jurist Ibn Muflīḥ al-Maḡdīsī (d. 763/1362) arguing that even obvious jesting is to be taken as proof of apostasy if its literal sense appears to allow that interpretation:

Whoever, being a Muslim, willingly behaves as an unbeliever, even if in jest (*man kafara ṭaw’an wa-law hāzilan ba’da islāmihi*), [...] is an apostate. [...]

[W]hoever makes a mocking show of unbelief is an unbeliever, even if he does so in a way that clearly shows that he does not intend it so (*al-mustahzī’ bi-l-kufṛ yakfuru wa-in kāna ‘alā ṣāḥir yamna’u l-qaṣd*).²⁷

Ibn Muflīḥ’s principle that jesting suggestive of unbelief constitutes genuine unbelief is quoted verbatim—and approvingly—by the Shāfi’ite al-Haytamī of Mecca two centuries later,²⁸ an indication of the influence of such views. The concept of *istihzā*’ is also employed by the above mentioned *qāḍī* ‘Iyāḍ in reference to jestful libertinism (*mujūn*) the more strongly to condemn it.²⁹

6 The Interpretive Approach

Many scholars clearly rejected this formalistic approach. These advocates of an interpretationistic approach regarded authorial intent as an indispensable factor for any assessment of a ‘statement’. As a succinct summary of their view it is worth citing a passage by al-Suyūṭī (d. 911/1505) that turns it into a virtual axiom. According to him, “if the intention of the heart and that of the tongue

26 The Qur’ān sometimes even uses the two words in conjunction. On the meaning of these verses, see for instance al-Bayḍāwī, *Tafsīr* vol. 1, 243, 294, vol. 2, pp. 217, 369.

27 Ibn Muflīḥ, *Furū’*, vol. 3m pp. 413, 416. Here Ibn Muflīḥ is largely relying on the views of his Ḥanbalite predecessor Ibn ‘Aqīl (d. 513/1119).

28 al-Haytamī, *I’lām*, p. 390.

29 ‘Iyāḍ, *Shifā’*, pp. 343f. Also see Ibn Ḥajar al-‘Asqalānī’s use of the term *istihzā*’ in the process against the Egyptian poet and scholar Ibn al-Baqaqī in Ibn Ḥajar al-‘Asqalānī, *al-Durar*, vol. 1, p. 308.

differ, it is necessary to judge by the heart and what it contains" (*wa-idhā 'khtalafa niyyat al-qalb wa-l-lisān fa-l-'ibra bi-l-qalb wa-mā fīhi*). He mentions the example of an oath uttered inadvertently with no real intention, which should not be regarded as binding.³⁰ In other words, in judging statements intention should always be considered, and disavowal through claims of jesting or forgetfulness must be accepted from the offender.

Applying this principle to literature, many scholars held that the ostensible meaning of a literary statement must not serve as the basis of *takfīr* without consideration of authorial intention, especially the possibility that he might only be joking. That the author does not mean his words seriously, and therefore his jest should not be taken as reflecting his belief, is in fact a common enough argument in defence of certain poets or writers who employed blasphemous literary motifs. Commenting on his sample of *kufīr* in Abū Nuwās's poetry, Ibn al-Muzarra' makes it abundantly clear that he does not think the poet should be taken seriously.³¹ The compiler of my second sample, 'Alī al-Jurjānī—a judge as well as a man of letters—treats the issue on a more general level and opines that the contents of poetry should not be subjected to judgements according to religious criteria at all, the two domains being totally divorced.³² This view appears to have been widespread, even dominant, among mediaeval Muslim literary critics.³³ Of course, jurists would insist on the overall applicability of religious criteria to every type of text, but some of them were willing to go to surprising lengths to avoid branding authors unbelievers. The main device for it was the consideration of intention. Here is the opinion of the Ḥanafite al-Qārī al-Harawī (d. 1014/1605–6) on the issue:

If in the case [being investigated] there are several possible interpretations leading to a charge of unbelief (*wujūh tūjibu l-takfīr*) and one single interpretation that will prevent this charge, then the *muftī* must incline to that which prevents a charge of unbelief, supposing the best he can about a fellow-Muslim.³⁴

30 al-Suyūṭī, *Ashbāh*, pp. 39f.

31 *Dīwān Abī Nuwās*, vol. 5, pp. 458, 459.

32 al-Jurjānī, *Wasāṭa*, p. 64. This, however, does not necessarily mean that literary works must not be scanned for signs of *kufīr*, although I rather think that that is the implied meaning. Nevertheless, it may simply mean that the aesthetic value of a blasphemous poem is not adversely affected by the unbelief of the poet, while leaving the door open to bringing the poet to justice for declaring his unbelief.

33 van Gelder, "Mixtures of Jest and Earnest," p. 188.

34 al-Qārī al-Harawī, *Sharḥ al-imām 'Alī al-Qārī*, p. 230.

Comparable views can be found in the works of other scholars too. Examples include the Muʿtazilites Abū Hāshim al-Jubbāʾī (d. 321/933) and ʿAbd al-Jabbār al-Hamadhānī (d. 415/1025), who made a distinction between genuine unbelief and indicants of unbelief displayed “by way of mockery and licentiousness without believing in them” (*ʿalā wajh al-sukhriyya wa-l-majāna min dūn iʿtiqād*); the Ḥanafite al-Walwālījī (d. 540/1145–6), according to whom “the words of Muslims should be interpreted in the best and nicest possible way” (*yuḥmalu kalām al-muslimīn ʿalā aḥsanihi wa-aḡmalihī*);³⁵ and the Shāfiʿite Ibn al-Ṣalāḥ al-Shahrazūrī (fl. early 7th/13th c.), whose opinion is worth quoting at greater length:

If [a religious expert] is asked to give a *fatwā* concerning a man who uttered something that turns him into an unbeliever—like saying that “prayer is mere play” or that “pilgrimage is an absurdity”, or similar things—then [the scholar] should not hasten to pronounce that this man’s blood can be freely spilt (*ḥalāl al-dam*) or that he must be killed. [...] If the words uttered by [the offender] allow various interpretations some of which do not make him an unbeliever, then [the *muftī*] should not issue a reply; he is free to say [instead]: “Ask him what he meant by saying what he did. If he meant such-and-such, then my reply is such-and-such; and if he meant such-and-such, then the [correct] decision is such-and-such.”³⁶

A ruling by the Shāfiʿite jurist Abū l-ʿAbbās al-Haytamī (d. 974/1567) is a good example of the application of this principle to a concrete case of *taḥfīr* on the basis of a literary text. Dealing with the problem of frivolous quotation from the Qurʾān, he mentions verses by some unnamed poet making use of this literary device. Al-Haytamī regards such twisting of the Qurʾānic text a “monstrous frivolity”, yet he goes on to say that

the general statement that it constitutes unbelief (*kufr*) is unlikely [to be correct], except in [the case of a poet] who asserts that [the frivolous context of the citation] is indeed the meaning of those letters [in their original Qurʾānic context].³⁷

35 Ibn Miftāḥ, *Muntazaʿ*, vol. 10, pp. 510f.; al-Walwālījī, *Fatāwī*, vol. 5, p. 417.

36 Ibn al-Ṣalāḥ, *Fatāwā*, vol. 1, p. 77.

37 al-Haytamī, *Iʿlām*, p. 368.

7 Legal Practice

It remains for us to say a few words on the actual consequences, if any, of charges of *kufṛ* against authors on the basis of literary works. Did such *takfīr* tend to bring about any sanctions apart from a token condemnation? It would be rash to generalise on legal practice across regions and centuries, and this essay will avoid such unwarranted generalising. Even a far larger-scale study could inevitably rely only on a barely representative body of sources providing sporadic data, spanning many centuries and mixing fact with fiction. All we can aspire to do is offer an example or two from roughly the same era in which Abū Nuwās was active, which will highlight the remarkable variety of ways of treating literary *kufṛ* and which will hopefully suffice to demonstrate that a standard procedure of handling such cases was lacking. Since we began this essay with a selection of literary blasphemies from Abū Nuwās's poetry, it will be appropriate to look at the charges of *kufṛ* that this poet had to face because of his poems. Certain verses of Abū Nuwās were clearly perceived to contain statements of unbelief or evidence thereof; one might ask, then, whether and in what ways the poet's career suffered as a consequence of these verses.

To begin with, Abū Nuwās spent several stints in prison, and there are conflicting accounts as to the reasons and even the pretexts of these sanctions.³⁸ However, sources agree that he was always released in the end and that he died a natural death. On that basis alone, it can be safely stated that the prescribed penalty for apostasy—death—was not applied. None of the sources claims that Abū Nuwās was executed for the *kufṛ* to be found in his verses. There are sources that do claim he was *almost* executed for that reason, which of course is not the same thing as being executed. There are also several versions that portray him as being imprisoned for his poetry. It will be recalled that this is not the proper punishment for genuine *kufṛ*, thus this sanction would mean that his poetry was found highly offensive to religious sentiments but certainly not thought of as amounting to unbelief.

The threat of *takfīr* appears to have been an ever-present but usually slight risk that only materialised if personal rivals or enemies succeeded in introducing a charge of *kufṛ*, usually in addition to other accusations, as a way of masking ulterior motives of a highly personal character. Indeed, this is evident in one of the accounts of one of Abū Nuwās' imprisonments. According to this

38 Some versions emphasise personal enmities and courtly intrigues, others offences against a ruler's honour, yet others speak of blasphemous remarks uttered in jest by the poet or his habitual wine-drinking. See for instance Ibn Manẓūr, *Akhbār Abī Nuwās*, pp. 82f., 191–193; al-Ṭabarī, *Tārīkh*, vol. 5, pp. 1821–1825.

account, Abū Nuwās recited a newly composed, outrageous poem to a friend called Yūsuf b. al-Dāya. When the poet reached some verses that appeared liable to cause charges of unbelief, the terrified Yūsuf told him to stop and keep the poem secret lest it should be utilised by personal enemies as grounds for a charge of apostasy. It is instructive that the verses that elicited this fearful reaction from Yūsuf b. al-Dāya form part of the last example of *kufṛ* in al-Qāḍī al-Jurjānī's sample.³⁹ Also instructive is the phrasing of the advice Yūsuf is quoted to have given. Charges of *kufṛ*-by-text are regarded as a self-evidently opportunistic weapon in courtly intrigues, a mere pretext to have Abū Nuwās condemned to death. Here are the exact words of the friend's advice:

Man, you have enemies on the lookout for your missteps so as to utilise them to find a way to accuse you and smudge your reputation before the ruler! Fear God, in your own best interest, and stop all this unrestraint and *mujūn*. [...] And if these verses of yours haven't yet become known, pretend to forget and hide them well.⁴⁰

To be sure, enemies at court did learn of the verses and reported them to the caliph. Instead of a proper prosecution for apostasy, however, the caliph simply imprisoned Abū Nuwās for some time. This may well be a sign of the tendency of taking intentions into account, since another story of religion-based accusations against Abū Nuwās under the same caliph explicitly mentions a distinction between the poet's trademark jestful libertinism (*mujūn*) and deviant religious beliefs (*zandaqa*), with only the latter justifying a standard legal process for apostasy.⁴¹ Another account of official steps against Abū Nuwās may further illustrate the general role of intent in such procedures, although here as elsewhere there is no way of telling if any of the details have a basis in historical fact. According to this passage, the caliph al-Amīn's reputation began to suffer from his association with the libertine Abū Nuwās, and he was urged by some courtiers to take action to prove his pious disposition. (Part of the evidence against the poet, as will be noted, is a verse appearing in Ibn al-Muzarra's sample of *kufṛ*.) The story being highly relevant to our subject, it is worth quoting:

39 To be more precise, the verse that made Yūsuf b. al-Dāya interrupt Abū Nuwās's recitation is the following one: "No one has come to inform us that he has dwelt since his death in either Paradise or Hell" (*mā jā'anā aḥadun yukhbīru annahu fī jannatin mudh māta aw fī l-nārī*), quoted above.

40 See the whole story in Abū Hiffān, *Akhbār Abī Nuwās*, pp. 45–47.

41 Abū Hiffān, *Akhbār*, pp. 122f.

When [the caliph] had him [viz. Abū Nuwās] brought there for execution, he summoned the jurists, with all the poets and dignitaries and others who were envious of [Abū Nuwās] gathered there. Then it was said to [the poet]: “Aren’t you the one who says [in his verse], ‘Oh Aḥmad, the man to wish for in times of calamity: [come, my lord, let us disobey the Almighty in heaven]’ (*yā Aḥmadu l-murtajā fī kulli nā’ibatin*)?” He replied: “Yes I am, oh Commander of the Faithful.” He said: “[Then you are an] unbeliever!”, and said to the jurists: “What do you say, jurists and poets?” They replied: “He has become an unbeliever (*kafara*), oh Commander of the Faithful.” Abū Nuwās said: “Oh Commander of the Faithful, if they say this relying on their intellect, then how deficient it is; and if they say this relying on their personal opinions, then how ignorant they are! Can anyone be a secret unbeliever [*zindīq*]⁴² who affirms that in heaven there is an Almighty?” [The caliph] replied: “No, by God! You are right. Stand up [and go in peace].” He stood up and was released. It is said [in another version of the story] that he said to [the caliph]: “Oh Commander of the Faithful, gather every *zindīq* on the earth, and if they claim that there is one god in heaven, then decapitate me! I took for my companions ignorant people who can’t distinguish between jest and earnest. [...]”⁴³

To take yet another example from the high Abbasid period: in his anthology of ‘modern’ poetry, Ibn al-Mu‘tazz tells the story of the death of the poet ‘Alī b. Jabala, better known under the sobriquet al-‘Akawwak. There are conflicting versions of the account, but they all agree that the poet hurt the pride of the caliph al-Ma’mūn (r. 198/813–218/833) by an excessive panegyric addressed to someone else instead of to him. The most remarkable detail for our purpose here is found in a version that Ibn al-Mu‘tazz himself deems less reliable; however, the important fact is not whether it is factually true but that it did sound plausible at least to some contemporaries. According to this account, the infuriated caliph said to the poet that he would put him to death not as a matter

42 Meaning ‘Manichean’ in its proper sense, this noun came to be used in a variety of senses to apply to all sorts of heresies and suspect religious beliefs. Islamic law often defined the term as a person who claims to be a Muslim but is in secret an unbeliever. As such, it was a category deemed to be close to an ordinary apostate but even worse. This is what I have in mind when I render it as ‘secret unbeliever’ here. On the varying application of the label *zindīq*, see Vajda, “Les zindīqs en pays d’Islam”.

43 Ibn Manẓūr, *Akhbār*, pp. 127f.

of personal pride but on account of a poem proving his unbelief. Here are the caliph's supposed words as cited by Ibn al-Mu'tazz:

I do not regard it licit [to spill] your blood because of this verse [which I find personally insulting] but because of your unbelief and audacity against God (*astahilluhu bi-kufrika wa-jur'atika 'alā llāh*) when you say [in one of your praise poems] to 'Abd al-Muhaymin, equating him with the lord of the world: "You are the one who puts days into their right places and carries time from one condition to another. / As soon as you cast your glance to someone you decide on livelihoods and fates (*qadayta bi-arzāqin wa-ājālin*)."⁴⁴

A more glaring example of using religious charges to settle personal accounts would be hard to find. However, as noted above, this case is of very doubtful historicity. As such, it might indicate that the application of such sanctions appeared plausible to contemporary readers of this account, yet it is no conclusive proof of any actual punitive practice. On the other hand, charges of unbelief undoubtedly played a prominent role, if only as excuses, in the killing of the famous poet Bashshār b. Burd (d. 167–8/784–5), widely hated for his satirical poetry.⁴⁵

8 Conclusion

More than one of the above cases of *takfīr* show that far from there being a clear, established and consistent treatment of cases of *kufīr* in literature, such accusations tended to be opportunistic excuses for avenging oneself under cover of righteous indignation. Legal theory was not unanimous on this point, which makes it unsurprising that legal practice was not either. The wide range of mediaeval juridical opinions can roughly be split into two general approaches—formalistic and interpretive respectively—which differ in the extent to which they allow authorial intention to be considered as a legally

44 Ibn al-Mu'tazz, *Ṭabaqāt al-shu'arā'*, p. 77. The last phrase, about this man being the distributor of people's livelihoods and fates (literally, the appointed time of death), is more blasphemous in Arabic than it sounds in English since this is considered an attribute of God.

45 E.g. al-Iṣfahānī, *Kitāb al-Aghānī*, vol. 3, pp. 240–245; al-Ṭabarī, *Tārīkh*, vol. 5, p. 1684; Ibn al-Mu'tazz, *Ṭabaqāt*, pp. 2f, Ibn Qutayba, *al-Shi'r*, p. 392.

relevant factor. However, Islamic legal thought may recently have undergone a little-noticed change in this respect.

Speaking of the transformation of Islamic contract law in the modern era, Baber Johansen notes what he calls “the abolition of the formalism of social exchange” in the contemporary Muslim world, which he adds is an important yet little-noticed development. He concludes that in virtually every field of social exchange “the binding force of the pronounced formula independently of the intention, the knowledge, the will of the parties concerned” has been effectively lost.⁴⁶ This observation is applicable, though not without reservations, to cases involving *taḳfīr* on the basis of literary texts, where intent seems to be a paramount concern for most participants in the debate. Let us return briefly to the Rushdie affair, which we evoked in the opening part of this essay. Egypt’s Grand Mufti Muḥammad Sayyid Ṭaṭṭāwī (1986–96), insisting on the need to search for Rushdie’s intent, reached a conclusion that would not be out of place in a mediaeval *fiqh* manual; he questioned Khomeini’s *fatwā* on the grounds that the writer’s intentions should have been examined before issuing any *fatwā*, by letting the author clarify himself what he meant by the offending passages. These procedural objections are apparently used analogously to those applied by way of *dar’ al-ḥudūd*. Even more remarkable is that the issue of the author’s intention, which so preoccupied Ṭaṭṭāwī, was also quite prominently on the mind of some Muslim protesters in Britain, if in a starkly different way. It is somewhat ironic to see a British Muslim leader admitting that a literal reading of Rushdie’s offensive passages may not amount to unbelief, yet adding that his *intention*, as betrayed in other contexts like interviews and articles, clearly does. Here is the concept of investigating authorial intention turned on its head and used to condemn, rather than rescue, an author.⁴⁷ As the clash of such opposed views shows, the issue of intent in judging literary blasphemies is a factor that is still as important as it is controversial.

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46 Johansen, “The Valorization,” p. 99.

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“Religions, Opinions and Beliefs are Nothing but Roads and Paths . . . While the Goal is One”: Between Unity and Diversity in Islamic Mysticism

Michael Ebstein

1 Introduction

A liberal and tolerant attitude towards other religions and spiritual paths is characteristic of many mystical traditions worldwide. The notion, shared by different mystical teachings, of a unity inextricably connecting God, the world and mankind, often lends itself to a universal approach whereby religious and social differences between fellow men are perceived as being essentially inconsequential. This approach is likewise evident in various Islamic mystical writings, where one may detect a more tolerant attitude towards the ‘other’ than that expressed in many Islamic theological and legal works.¹ An example of such an attitude is found in the famous “Epistle” (*al-Risāla*) of the great Ṣūfī author Abū l-Qāsim ‘Abd al-Karīm al-Qushayrī (b. 376/986; d. 465/1072). In a discussion concerning divine mercy and compassion, al-Qushayrī relates the story of a Zoroastrian (*majūsī*) who sought the hospitality of Abraham the patriarch, God’s friend (*al-khalīl*). Abraham, however, was unwilling to offer him hospitality unless he submitted himself to God. The Zoroastrian refused; Allāh then revealed himself to Abraham saying,

Oh Abraham! You [were] not [willing to] feed him unless he changed his religion; yet We have been feeding him for the last seventy years despite his unbelief (*‘alā kufrihi*). If you were to offer him hospitality for just one night, what would be held against you?

1 Note that the terms “tolerant”, “liberal” and “pluralistic” in this article are used in a restricted and relative sense, appropriate to medieval thought and society. These terms should not be understood in their modern or post-modern contexts. For a useful discussion of the term “tolerance” in relation to the world of medieval Islam and to the Islamic attitude towards the ‘other’, see Lewis, *Jews*, pp. 3–66; see also Friedmann, *Tolerance*; and the concluding paragraph of this article.

As a result of this Divine reproof, Abraham immediately changed his mind and decided to offer the Zoroastrian his hospitality.²

In Islamic mysticism, the tolerant attitude towards the 'other' may also be explained by the importance assigned by Muslim mystics to the spiritual combat waged against the lower self of man, the human ego (*al-nafs*). According to this perception, in order to draw closer to God and perhaps even unite with Him, the mystic must constantly purify his inner spiritual realm from the dangerous maneuverings of the *nafs*, from its conceit and pride.³ From this psychological and ethical perspective, man is required to concentrate on his own vices, directing his spiritual and religious energy inward, not outward—a tendency which is especially characteristic of the *malāmātīyya* ("those who adhere to the path of blame"), who assert that the mystic should internalize and conceal his spiritual and mystical achievements. Certain *malāmātīs* even went so far as to commit sins in public in order to attract criticism and condemnation.⁴ Hence, it is not surprising to discover that Muslim mystics are at times reluctant to criticize fellow Muslims or even the adherents of other religions; they perceive such criticism as an expression of man's *nafs*, of his self-pride and self-admiration. Nevertheless, it should be emphasized that most orthodox Islamic mystical writings express a clear hierarchal world-view according to which Islam is superior to all other religions and the mystical way of life is the most perfect path to be taken by Muslims. Thus, the

2 al-Qushayrī, *al-Risāla*, p. 133 (*Bāb al-raǧāʾ*, no. 572):

وقيل إن مجوسيا استضاف إبراهيم الخليل عليه السلام فقال له إن أسلمت أضفتك فقال
المجوسي إذا أسلمت فأني منة تكون لك علي فبر المجوسي فأوحى الله تعالى إلى إبراهيم
عليه السلام يا إبراهيم لم تقطعه إلا بتغييره دينه ونحن منذ سبعين سنة نطعمه على كفره فلو
أضفته ليلة ماذا عليك هر إبراهيم عليه السلام خلف المجوسي وأضافه فقال له المجوسي
إيش كان السبب في الذي بدا لك فذكر له ذلك فقال له المجوسي أهكذا يعاملني ثم قال
أعرض علي الإسلام فأسلم

See also the story of Ibn al-Mubārak and the Non-Arab unbeliever (*ʿilf*) in *ibid.*, p. 134 (no. 576). For a compassionate attitude towards a *mukhannath* (an effeminate man or a homosexual), see *ibid.*, p. 135 (no. 579), and towards a Muslim sinner who drinks wine, see *ibid.*, p. 227 (*bāb al-futuwwa*, no. 1034). Finally, see the *ḥadīth* quoted at the end of *bāb al-khuluq*, *ibid.*, p. 242 (no. 1106): "The messenger of Allāh was asked to curse the polytheists; he said: 'I was sent only out of mercy, not as chastisement'".

قيل يا رسول الله ادع الله تعالى على المشركين فقال إنما بعثت رحمة ولم أبعث عذابا

3 See van Ess, *Gedankenwelt*, index, s.v. "*nafs*"; Sviri, "The Self"; eadem, *Taste*, index, s.v. "*nafs*".

4 On the *malāmātīyya* see Sviri, "Ḥakīm Tirmidhī".

above-mentioned Zoroastrian in al-Qushayrī's story is said to have eventually converted to Islam.⁵

In what follows I shall attempt to describe a liberal and tolerant approach towards the 'other' as it is reflected in two important Islamic mystical corpora: the writings of the famous Andalusian Sunnī mystic Muḥyī al-Dīn Abū 'Abd Allāh Muḥammad b. 'Alī Ibn al-'Arabī (b. 560/1165; d. 638/1240) and the Shī'ī-Ismā'īlī *Rasā'il Ikhwān al-Ṣafā'* ("The Epistles of the Sincere Brethren"). While Ibn al-'Arabī's importance for the history of Islamic mysticism and his profound impact on subsequent generations of Muslim mystics are widely acknowledged and need not be highlighted here, the influence of Ikhwān al-Ṣafā's Epistles on the development of Islamic mystical-philosophical thought requires some clarification. These Epistles, which according to most scholars were composed sometime during the tenth century CE by a group of intellectuals most likely affiliated with the Shī'ī-Ismā'īlī milieu, were influential not only in the central and eastern parts of the Islamic world but also and perhaps more significantly so in al-Andalus (Islamic Iberia).⁶ The unique Ikhwānian blend of Neoplatonism, Hermeticism and Pythagoreanism/Neopythagoreanism,⁷ with its strong predilection for mystical philosophy, esotericism and the occult sciences, seems to have attracted both Jewish and Muslim Andalusian scholars,

5 The motif or *topos* of conversion to Islam recurs in the story of Ibn al-Mubārak and the non-Arab unbeliever; see the reference above in n. 2. On the superiority of Islam in Sūfī thought, see also Chittick, *Imaginal Worlds*, pp. 125f.; Lazarus-Yafeh, *Studies*, pp. 437–457; Keller, "Perceptions".

6 For a general introduction to the thought of the Ikhwān and for the various opinions concerning their identity and the dating of their Epistles, see the discussions and references in Netton, *Muslim Neoplatonists*; Daftary, *Ismaili Literature*, p. 166; idem, *The Ismā'īlīs*, pp. 246–249; Y. Marquet, "Ikhwān al-Ṣafā'", *The Encyclopaedia of Islam*. New Edition, vol. 3, pp. 1071–1076; El-Bizri, *Epistles*. On the Ikhwān's influence on Jewish and Muslim thought in al-Andalus see Zonta, "Influence"; Ali-de-Unzaga, *Use of the Qur'ān*, pp. 49–54; Krinis, *Idea*, pp. 30f.; idem, "al-Risāla al-jāmi'a"; Schlanger, *Philosophie* pp. 94–97; Lobel, *A Sufi-Jewish Dialogue*, pp. 2f.; Fenton, "The Arabic and Hebrew Versions," p. 257; Kruk, "Neoplatonists," p. 77; Eliyahu, *Ibn al-Sid al-Baṭalyawsī*, pp. 66–69. On Ibn Masarra and the Ikhwān see the references to Stroumsa/Sviri and to Tornero below in n. 39.

7 On the Ikhwān and the Hermetic tradition see Marquet, "Sabéens"; Corbin, "Sabian Temple"; van Bladel, *The Arabic Hermes*, pp. 168–171, 179–181, 183, 222, 227, 237; Green, *City of the Moon God*, pp. 139–141, 171, 181–190, 207–214; Peters, "Hermes and Harran," pp. 196–198; Netton, *Muslim Neoplatonists*, pp. 50–52; Nasr, *Introduction*, pp. 33–40; El-Bizri, *Epistles*, p. 10; Joosse, "An Example," pp. 289–293; Widengren, "The Gnostic Technical Language," pp. 182, 193f., 200–203. On the Ikhwān and the Pythagorean/Neopythagorean tradition see Netton, *Muslim Neoplatonists*, pp. 9–16; Nasr, *Introduction*, pp. 33–40, 45 n. 5, 47–51, 77f., 84; Fakhry, *History*, pp. 170–175.

among them the above-mentioned Ibn al-ʿArabī.⁸ This influence of the Ikhwān on Andalusī mystical-philosophical thought in general and on Ibn al-ʿArabī's teachings in particular demands further discussion which, unfortunately, falls beyond the scope of this article. Suffice it to say that in my view, Ibn al-ʿArabī combined his Ṣūfī heritage with the Ismāʿīlī-Neoplatonic type of mysticism reflected in the Epistles of the Sincere Brethren.

2 *Fa-aynamā tuwallū fa-thammā wajhu llāh*

Both the Epistles of the Sincere Brethren and Ibn al-ʿArabī's writings reveal a liberal and tolerant approach towards other spiritual and religious traditions, an approach which seems to be far more radical than that found in other Islamic sources. As for Ikhwān al-Ṣafā', in their Epistles one may find statements to the effect that the diverse religious and philosophical traditions of the world are all legitimate paths leading to the same destination. For example, in the twenty-second Epistle, it is said that

Religions, opinions and beliefs are nothing but roads and paths, niches pointing to the direction of prayer (*maḥārīb*) and means of access, while the goal is one; from whichever side we turn—there is the face of God (*min ayyi l-jihāt tawajjahnā fa-thamma wajhu Llāh*).⁹

8 On the Ikhwānian influence on Ibn al-ʿArabī see Ebstein, *Mysticism and Philosophy*; idem, "Word of God"; Afifi, *Mystical Philosophy*, index, s.v. "Ikhwānuṣ-Ṣafā" and "Ismāʿīlis"; Nasr, *Introduction*, p. 36 n. 53; Nyberg, *Kleinere Schriften*, p. 145; Addas, *Quest*, pp. 58f.; see also Corbin, *Creative Imagination*, pp. 9, 16, 24–26, 45, 48f., 79, 112 and index, s.v. "Ismailianism"; idem, *History*, pp. 3, 28, 76, 183, 224, 226.

9 Although this statement is uttered by the "Persian" (*al-insī al-fārisī*) in the famous debate between the animals and men, it reflects the view of the Ikhwān themselves; see Ikhwān al-Ṣafā', *Rasā'il*, vol. 2, p. 367:

لأن الديانات والآراء والمذاهب إنما هي طرق ومسالك ومحاريب ووسائل والمقصود واحد من أي الجهات توجهنا فثم وجه الله

Cf. *ibid.*, vol. 1, pp. 335f., vol. 3, p. 155; and Qur'an 2:115. See also the positive universalist description of the man who victoriously concludes the aforementioned debate (Ikhwān al-Ṣafā', *Rasā'il*, vol. 2, p. 376): "[He is] of Persian descent; his religion is Arabian and his belief true monotheism; his manners are Iraqi and his intrinsic/internal qualities Hebrew; his path is Christian and his devotional austerity Syrian; his sciences are Greek and his inner vision Indian; his conduct is ascetical and his moral character angelic; his view is Lordly and his knowledge Divine ..."

Accordingly, hatred towards other religious traditions is strictly forbidden by the Ikhwān, who explain that

nothing causes peace to prevail among the adherents of religions ... save the knowledge of the truth which unites them in agreement on the word of piety (*kalimat al-taqwā*)¹⁰ and which summons them to Allāh's path ... whosoever views himself as an enemy of any other religious group against whom he feels rancor, the seed of truth has not been planted in his heart nor has the true guidance blended with his mind.¹¹

Hence, a true believer who wishes to gain proximity to God must distance himself from religious disagreements (*khilāf, ikhtilāf*) as well as from fanaticism, zealotry or bigotry (*ta'aṣṣub*) which inevitably hinder man from the right path.¹² The Ikhwān advise the reader of their Epistles and their spiritual brethren to seek knowledge from all possible sources and not to show hostility towards any science, book or belief whatsoever.¹³ Moreover, since there is a certain measure of truth in every religion, man should not cling to his own beliefs but is rather obliged to continuously search for a better religious system.¹⁴ This open-minded position is contrasted by the Ikhwān with the attitude of

... الفارسي النسبة العربي الدين الحنفي المذهب العراقي الآداب العبراني المخبر
المسيحي المنهج الشامي النسك اليوناني العلوم الهندي البصيرة الصوفي السيرة الملكي
الأخلاق الرباني الرأي الإلهي المعارف الصمداني ...

On the tolerant and liberal attitude of the Ikhwān see also Marquet, "Tolérance," pp. 209–218; idem, *Imamat*, p. 99 and n. 66; Nanji, "Portraits," pp. 155–157; Fakhry, *History*, pp. 183–185; El-Bizri, *Epistles*, pp. 10–13; Poonawala, "Why We Need an Arabic Critical Edition," p. 42.

10 Cf. Qur'ān 48:26; 3:64.

11 Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, p. 161:

ثم أعلم أنه لا يصلح بين أهل الديانات ... إلا المعرفة بالحق الذي يجمعهم على كلمة التقوى
ويدعوهم إلى سبيل الله تعالى؛ فمن رأى نفسه معادية لطائفة من الطوائف حقق عليها
فهو لا يزدورع الحق في قلبه ولم تخالط الهداية له.

12 Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, p. 155:

وإن كان كذلك يجب على طالب الحق والراغب في النجاة أن يطلب ما يقربه إلى ربه
ويتخلصه من بحر الاختلاف والخروج من سجون أهل الخلاف ...

And ibid., pp. 156, 376.

13 Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, p. 538; vol. 4, pp. 41f., 51, 167.

14 Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, p. 501:

فاعلم أن الحق في كل دين موجود؛ ولا تمسك بما أنت عليه من دينك ومذهبك واطلب
خيراً منه فإن وجدت فلا يسعك الوقوف على الأدون ولكن واجب عليك الأخذ بالأخير

“those fond of disputes” (*al-mujādila*, presumably the dogmatic theologians), whose love of polemics and quarrels leads them to practice *takfīr*, i.e. to accuse others of being *kuffār* (sg. *kāfir*) or nonbelievers.¹⁵ The “friends of Allāh” (*awliyāʾ Allāh*), on the other hand, who enjoy an intimate relationship with God—i.e. the Shīʿī *imāms* and their adherents, or the Ikhwān themselves and those who follow their spiritual teachings—“do not conceal any evil thoughts towards any of Allāh’s created beings, nor do they consider themselves to be superior to anyone”.¹⁶ Rather than concentrating on the vices (*ʿuyūb*) of others

الأفضل والانتقال إليه ولا تشتغلن بذكر عيوب مذاهب الناس ولكن انظر هل لك مذهب
بلا عيب

Idem, *al-Risāla al-jāmiʿa*, vol. 2, p. 268.

- 15 See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, pp. 535–538; cf. Marquet, “Tolérance,” p. 213. For a similar criticism of the *mutakallimūn* by the Ismāʿīlī Neoplatonic philosopher Abū Ḥātim al-Rāzī (d. 322/934), see Daiber, “Abū Ḥātim ar-Rāzī,” p. 90. According to Altmann and Stern (*Isaac Israeli*, p. 57), the term *jadalīyyūn* denotes in various contexts “those satisfied with dialectical—as opposed to apodictical—syllogisms”. It was widely used by the philosophers in a pejorative sense to denote the dogmatic theologians (*mutakallimūn*). For their part, the Ikhwān describe the *mujādila* as discussing such issues as Divine justice and atomism (“*al-taʿdīl wal-tajwīz* [read: *wa-l-tajwīr*; I thank Dr. Hassan Ansari for this correction] *wal-juzʾ alladhī lā yatajazzaʾ*”; Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, p. 535), which were indeed debated by Muslim theologians. On *taʿdīl* and *tajwīr* see Ibn Ḥazm, *al-Faṣl*, vol. 3, pp. 97–142 (*al-kalām fī l-taʿdīl wa-l-tajwīr*); Ibn al-Nadīm, *Fihrist*, p. 179 (in this and in the following sources read *tajwīr* instead of *tajwīz*); al-Dhahabī, *Siyar* vol. 14, pp. 183f. (on Abū ʿAlī al-Jubbāʾī); al-Maqdisī, *al-Baḍʾ wa-l-taʾrīkh*, vol. 1, pp. 107f.; and on atomism see L. Gardet, “*Djuzʾ*,” *The Encyclopaedia of Islam*. New Edition, vol. 2, pp. 607f. and the references given there. In addition, the Ikhwān criticize the *mujādila* for claiming that “medicine and astrology are false” (*ʿilm al-ṭibb wa-l-nujūm bāṭil*) and that “logic and the physical sciences constitute unbelief and heresy and those who adhere to them are atheists” (*ʿilm al-mantiq wa-l-ṭabīʿiyyāt kufr wa-zandaqa wa-inna ahlahā mulḥidūn*; see Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, p. 536). Elsewhere, a group among *aṣḥāb/ahl al-jadal* are said to deny the existence of the soul (*nafs*) or its being a substance (*jawhar*) and its subsistence after death. Finally, the *mujādila* are also depicted as rejecting the veracity of visionary dreams (*manāmāt, ruʿya*) and claiming that by utilizing his own intellect (*ʿaql*), man can arrive at the truth without having recourse to the prophetic tradition. See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 4, pp. 84, 99–101; idem, *al-Risāla al-jāmiʿa*, vol. 1, pp. 712f.

- 16 Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, p. 529:

... فهم لا يضمرون لأحد من خلق الله سوءا ولا يرون لهم على أحد فضلا صالحوا
الخلق سرا وجهرا ...

See also *ibid.*, pp. 530 and 312:

... والناس منهم في راحة وأمان لا يريدون لأحد سوءا ولا يضمرون شرا لأحد من
الخلق عدوا كان أو صديقا مخالفا كان أو موافقا

On the *awliyāʾ* in this context cf. Baffioni, “The ‘Friends of God’”.

and bearing hatred towards them, the believers must first inspect their own selves in an effort to reform their inner spiritual state.¹⁷

A similar pluralistic view, opposed to interreligious and intrareligious enmity as well as to the practice of *takfīr*, is expressed in the writings of Ibn al-ʿArabī. For example, Ibn al-ʿArabī states that “although all beliefs differ from one another, their goal is one”, or that “every religious legal code (*sharīʿa*) is a road leading to Him, though it differs [from other religious legal codes]”.¹⁸ Elsewhere, in referring to the disagreements among Muslim theologians concerning God’s names or attributes, Ibn al-ʿArabī makes it clear that

this is not our custom to refute them and contend with them; our custom is rather to clarify the premises of each group, [to explain] whence they adopted their beliefs, what has been disclosed to them [by God] and whether or not this will affect their prosperity [in the world to come] . . . we do not occupy ourselves with refuting any of God’s created beings; on the contrary—we often free them from any blame concerning this matter due to the Divine broadness (*li-l-ittisāʿ al-ilāhī*).¹⁹

17 Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, pp. 534f.; see also *ibid.*, pp. 501f. From a different perspective, the Ikhwān view religious disagreements as a blessing, in accordance with the tradition attributed to the Prophet Muḥammad which states that “the disagreements among [the members of] my nation are a [sign of] mercy” (*ikhtilāf ummati raḥma*), or, according to the Ikhwān’s wording, “the disagreements among the learned ones (*al-ʿulamāʾ*) are a [sign of] mercy”. The Ikhwān explain that these disagreements prompt human beings to deepen their knowledge and to recognize their own vices, thus enabling them to perfect themselves intellectually and spiritually. See *ibid.*, pp. 376, 490f.

18 Ibn al-ʿArabī, *Futūḥāt*, vol. 4, p. 416 (chapter 559, no. 459):

. . . وإن اختلفت العقائد جملة فالمقصود بها واحد . . .

Ibid., vol. 1, p. 335 (chapter 48 = ed. Yaḥyā, vol. 4, p. 191):

. . . فإن كل شريعة طريق موصلة إليه سبحانه وهي مختلفة؛ . . . فصار كل مجتهد على شرع خاص هو طريقه إلى الله ولهذا اختلفت المذاهب وكل شرع في شريعة واحدة . . .

See also *ibid.*, vol. 1, p. 289 (chapter 36 = ed. Yaḥyā, vol. 3, p. 368): “though the roads leading to correct knowledge may differ from one another, this does not impair the knowledge [attained by them]”

وإن اختلف الطريق الموصول إلى العلم الصحيح فإن ذلك لا يقدح في العلم

And *ibid.*, p. 265 (chapter 31 = ed. Yaḥyā, vol. 3, p. 267).

19 Ibn al-ʿArabī, *Futūḥāt*, vol. 1 pp. 265–266 (chapter 31 = ed. Yaḥyā, vol. 3, pp. 269f.):

والخلاف في ذلك يطول وليس طريقنا على هذا بني أعني في الرد عليهم ومنازعتهم لكن طريقنا تبين مأخذ كل طائفة ومن أين اتحلته في محلها وما تجل لها وهل يؤثر ذلك في

Moreover, according to Ibn al-ʿArabī's mystical ontology, creation is an ongoing process of Divine self-manifestation whereby God discloses or reveals Himself (*tajallī*) in the diverse forms (*ṣuwar*) of the universe. Each created being is an object of the divine self-disclosure, a locus (*maẓhar*, *majlā*) in which God manifests His names or attributes. This principle is likewise reflected in the sphere of human religiosity: the diversity of beliefs is due to the diversity of the divine self-manifestations. Hence, every believer and every religious group worship their own God in accordance with the form in which God has manifested Himself to them. This concept of *al-rabb/al-ilāh al-muʿtaqad* ("the Lord/God of belief") forms the basis of Ibn al-ʿArabī's position regarding religious controversies. He explains that the dogmatic theologians (*mutakallimūn*) pursue their intellects (*ʿaql*) and personal reasoning (*naẓar*, *fikr*) and are therefore victims of their own beliefs (*iʿtiqādāt*). They cannot perceive the divine unity which underlies the different forms worshiped by human beings; consequently they deny the beliefs of others, engage in futile polemics and practice *takfir* against one another. In contradistinction, the true mystics—the "perfect gnostic" (*al-ʿarif al-mukammal*) or "the people of unveiling" (*ahl al-kashf*)—recognize God in each and every form in which He is worshiped by humans, realizing that God continuously manifests Himself in these varying forms. In fact, the mystic understands that the diversity in creation and in human beliefs ultimately derives from the diversity in the divine world Itself—that is, from the plurality of the divine names. He thus refrains from branding others as nonbelievers.²⁰

It is significant in this context that both the Ikhwān and Ibn al-ʿArabī employ Qurʾān 2:115, "wherever you turn, there is the face of God" (*fa-aynamā tuwallū fa-thammā wajhu Llāh*), in order to express and legitimize their notion

سعادتها أو لا يؤثر هذا حظ أهل طريق الله من العلم بالله فلا تشتغل بالرد على أحد من خلق الله بل ربما نقيم لهم العذر في ذلك للاتساع الإلهي . . .

See also Chittick, *Imaginal Worlds*, pp. 154, 176. On "divine broadness", which means that God never repeats His self-disclosure in the same exact form, see idem, *Sufi Path*, index, s.v. "wus".

- 20 See Ibn al-ʿArabī, *Fuṣūṣ*, pp. 72 (chapter 3), 90–94 (chapter 7), 113f. (chapter 10), 119–126 (chapter 12), 184 (chapter 22), 191–196 (chapter 24, and see especially p. 195: فكل عابد أمرا (ما يكفر من يعبد سواه. . . . والعارف المكمل من رأى كل معبود مجلى للحق يعبد فيه 225f. (chapter 27); idem, *Futūḥāt*, vol. 1, p. 122 (chapter 2, *faṣl* 1, *maʿrifat alif al-lām*, = ed. Yahyā, vol. 1, pp. 332f.), vol. 3, pp. 450f. (chapter 374); idem, *Kitāb al-Alif*, in *Rasāʾil Ibn al-ʿArabī*, vol. 1, # 3, pp. 3f.; Chittick, *Sufi Path*, pp. 335–356; idem, *Imaginal Worlds*, pp. 138–141, 149–160, 162–165; Takeshita, *Ibn ʿArabī's Theory*, pp. 113–118.

that the various religious and spiritual paths ultimately lead to the same destination—God.²¹

3 Three Perspectives

What is the conceptual framework which allows such an open-minded attitude? In the Epistles of Ikhwān al-Ṣafā' and in the writings of Ibn al-'Arabī, one can identify three basic perspectives from which this attitude stems: first, the relative perspective; second, the esoteric perspective; and third, the Neoplatonic perspective.

3.1 *Relativism*

Let me begin with the relative perspective. As is clear from the discussion so far, the Ikhwān and Ibn al-'Arabī share a relative perception of human religiosity. According to the scientific-anthropological view of the Ikhwān, the diverse human phenomena in the sub-lunar world, including the various religions, are all a product of physical factors—of different geographical, climatic, biological, historical, cultural, social, psychological and above all astral or planetary conditions.²² Furthermore, the Ikhwān claim that religious diversity results from the Divine will itself, since the variety of human conditions requires that every nation receive the proper religious system suited to its own needs.²³ This relative outlook is combined by the Ikhwān with the Ismā'īlī notion of cyclical history; according to the Ismā'īlī perception, in each one of the seven cycles (*adwār*, sg. *dawr*) that comprise sacred human history, a new *sharī'a* is enunciated by the "speaker" prophet (*nāṭiq*) of that specific era. The Ikhwān explain that

this is the state of the world—nation after nation and one religious legal code after another. All of this takes place according to the proportions [that are formed] between the [four] natures, the coinciding that occurs

21 See Ikhwān al-Ṣafā', *Rasā'il*, vol. 2, p. 367, vol. 3, p. 311; Ibn al-'Arabī, *Fuṣūṣ*, pp. 113f.; see also Chittick, *Sufi Path*, pp. 343, 355.

22 See mainly Epistle 31 of the Ikhwān, entitled "On the Causes of the Differences in Languages, Handwritings and Speech" (*fī 'ilal ikhtilāf al-lughāt wa-rusūm al-khuṭūṭ wa-l-ibārāt*), in Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, pp. 84–177; see also *ibid.*, vol. 1, p. 196, vol. 3, pp. 376, 401f., 418; *idem*, *al-Risāla al-jāmi'a*, vol. 1, pp. 49–60, 237, 699–710, vol. 2, p. 168; and cf. De Smet, "Climats".

23 See Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, pp. 484f., 486–488.

in various moments, lands, places of origin and times of birth, the mingling with friends and relatives, the adhering to views, beliefs and knowledge and the hearkening to wise men, learned masters and teachers... It is according to these coinciding [factors] that man prefers one thing over another in relation to views and beliefs. The people of that time, the adherents of that religion and those who uphold the religious legal code—as long as it is valid—continue to maintain their customs, fulfilling their purposes and attaining their goals as long as Allāh wills. Then, [however], the celestial sphere begins to assume a different form, the conjunction commences anew, the cycle turns and change and alteration become unavoidable...

At this point, according to the Ikhwān, religious and moral corruption ensues, as well as disagreement, civil strife (*fitan*), wars and fanaticism (*ʿasabiyya*). It is then that a new command (*amr*) descends into the human world from the divine realm, via the universal intellect and soul; this command takes the form of a new *sharīʿa* that is inaugurated by the prophet of the new cycle.

At this moment, obedience becomes disobedience and disobedience becomes obedience; the prosperous one becomes wretched and the wretched one becomes prosperous, that is: the one who had been prosperous by means of the first command in the previous religious legal code [becomes wretched] when he fails to follow the inaugurator of the second command and the next new religious law.²⁴

24 Ikhwān al-Ṣafāʾ, *al-Risāla al-jāmiʿa*, vol. 1, pp. 701–707, esp. 703f.:

وكذلك يكون حال العالم أمة بعد أمة وشرعية بعد شرعية وكل ذلك على حسب مناسبات الطبائع واتفاقات تقع في الأوقات والبقاع والمنشأ والمولد والمخالطات لأقوام أصدقاء وأقارب والتدين بآراء ومذاهب ومعارف وحكماء وأستاذين من العلماء ومعلمين والإصغاء إليهم والأخذ عنهم والتخلق بأخلاقهم فبحسب هذه الاتفاقات يقع إثارة الإنسان الشيء على غيره من الآراء والمذاهب ثم لا يزال أهل ذلك الزمان وأصحاب تلك الملة والقوام بأمر الشريعة ما دام حكمها مستمرا على جريان عادتهم وتتمام نهايتهم وبلوغ غايتهم ما شاء الله ثم يبدأ الفلك يتشكل شكلا آخر فيستأنف القران ويدور الدور ويوجب التغير والاستحالة . . .

Ibid., p. 706:

فعند ذلك تصير الطاعة معصية والمعصية طاعة والسعيد شقيا والشقيا سعيدا يعني السعيد بالأمر الأول في الشريعة الماضية إذا تخلف عن صاحب الأمر الثاني والشرع الجديد الآتي . . .

Thus, according to the Ikhwān, although religion is indeed divinely inspired, it nevertheless changes and varies according to the specific historical context in which it is revealed and according to the manifold physical factors in the sub-lunar world.

Ibn al-ʿArabī too views the diversity of religious beliefs as originating, *inter alia*, in physical factors. According to him, the *mizāj*—the “constitution” of the human body or its “mixture [of the four humors/natures]”—determines the spiritual and religious inclinations of human beings. This notion of *mizāj* as a biological factor which stands at the basis of human diversity permeates the Epistles of the Ikhwān.²⁵ At the same time, Ibn al-ʿArabī’s relative outlook is best reflected in his concept of *al-rabb al-muʿtaqad* mentioned above: Ibn al-ʿArabī holds that every believer worships his own ‘created Lord’, that is to say, the divine aspect or attribute which is manifested in the form specific to that believer. It follows that, on the one hand, all religions are relative in the sense that they are a product of specific human circumstances and are therefore confined in their nature and essence to the limits of these circumstances; on the other hand, every form of worship is divine since it ultimately represents one of God’s infinite self-disclosures.

It should be emphasized in this context that both the Ikhwān and Ibn al-ʿArabī view idolatry and paganism in a forgiving and sympathetic way: these forms of worship are perceived as a legitimate means—at least for certain people in various historical periods—of gaining proximity to God.²⁶

Cf. ʿArif Tāmīr’s version, in *Rasāʾil ikhwān al-ṣafāʾ wa-khullān al-wafāʾ*, Beirut/Paris 1995, vol. 5 p. 179. On the Ismāʿīlī concept of *amr*, see Ebstein, *Mysticism and Philosophy*, chapter 2, especially pp. 57–64; idem, “The Word of God”; Pines, “Shīʿite Terms,” pp. 172–192; Krinis, *Idea*, pp. 164–207; Makārim, “Al-amr al-ilāhī”.

25 See, e.g., Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 1, p. 196, vol. 3, pp. 114, 139f., 401, 418, 484f., vol. 4, p. 44; Ibn al-ʿArabī, *Futūḥāt*, vol. 1, pp. 346f. (chapter 52 = ed. Yaḥyā, vol. 4, pp. 243f.), vol. 3, p. 451 (chapter 374):

... فلذلك كان الحق أول مسألة خلاف في العالم ولما كان أصل الخلاف في العالم في المعتقدات وكان السبب أيضا وجود كل شيء من العالم على مزاج لا يكون للشيء الآخر . . .

See also Rosenthal, “Ibn ʿArabī,” p. 10; Chittick, *Sufi Path*, p. 351; idem, *Imaginal Worlds*, p. 132. On the importance of the *mizāj* in Ismāʿīlī scientific thought, see Kraus, *Jābir ibn Ḥayyān*, p. 311 and n. 5; Walker, *Early Philosophical Shiism*, pp. 58f.

26 See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 1, pp. 208–210, 291, vol. 3, pp. 481–484, vol. 4, pp. 261–272; for Ibn al-ʿArabī see the references above in n. 20 and Chittick, *Sufi Path*, p. 343. On Ibn al-ʿArabī’s attitude towards Christian worship and iconography see *Futūḥāt*, vol. 1, pp. 287, 289 (chapter 36 = ed. Yaḥyā, vol. 3, pp. 360, 372). See also Ibn al-ʿArabī’s famous verses in his *Tarjumān al-Ashwāq*, p. 19:

The positive, open-minded and syncretistic stance of the Ikhwān vis-à-vis idolatry and paganism may be explained as a byproduct of the Hermetic and Harrānian-Šābī'ian influence on their thought.²⁷

3.2 *Esotericism*

As for the second perspective, that is: the esoteric one, Ikhwān al-Šafā' and Ibn al-'Arabī maintain that disagreement and diversity in religion pertain to its external and manifest aspect (the *ẓāhir*), while in its internal and hidden aspect (the *bāṭin*) religion remains the same throughout time. In the Epistles of the Ikhwān, the terms *bāṭin* and *ẓāhir* in this context parallel the terms *aṣl* ("root", "origin") and *furū'* ("branches") respectively. According to the cosmological theory of the Ikhwān, the different phenomena in the sub-lunar world all originate in the higher, spiritual worlds of the universal intellect and soul. The Divine unity in these upper worlds, which constitute the *bāṭin/aṣl* of reality, changes into the diversity and plurality of the lower worlds, which constitute the *ẓāhir/furū'*; this change is brought about through emanation (see below paragraph 3.3) and as a result of the natural, physical processes that take place over time within the sub-lunar world itself.²⁸

لقد صار قلبي قابلاً كل صورة فرعى لغزلان ودير لرهبان وبيت لأوثان وكعبة طائف
والواح تورا ومصحف قرآن أدين بدين الحب أنى توجهت ركائبه ديني وإيماني

Ibid., p. 67 ("My heart has become capable of every form: it is a pasture for gazelles and a convent for Christian monks, / and a temple for idols and the pilgrim's Ka'ba and the tables of the Tora and the book of the Koran. / I follow the religion of Love: whatever way Love's camels take, that is my religion and my faith"); cf. al-Ghorab, "Muhyiddin Ibn al-'Arabī," pp. 219f. One may also mention here Jalāl al-Dīn Rūmī's attitude towards idolatry; see Keller, "Perceptions," pp. 186f. Finally, in one of his works, the Ismā'īlī Neoplatonic philosopher Abū Ya'qūb al-Sijistānī (to be referred to below) draws a comparison between the Islamic *hajj*, the Jewish and Christian pilgrimage to Jerusalem, the Zoroastrian attendance of fire temples and the idolaters' attendance of pagan shrines; see Pines, "Shī'ite Terms," pp. 232f. In al-Sijistānī's view, there is (as Pines explains) "no essential difference between these various temples and modes of pilgrimage". This is based on the esoteric notion of the unity of the *bāṭin*—see the discussion in paragraph 3.2 of this contribution.

27 See above n. 7 and especially the references to Marquet.

28 For the notion of *aṣl-furū'* see, e.g., Ikhwān al-Šafā', *Rasā'il*, vol. 3, pp. 114f., 140:

... وذكر علل هذه الأشياء ومعلولاتها وجواهرها وأعراضها وبدائيتها في الأصول
وكونها في شكل واحد فيما علا ووجودها في أشكال كثيرة فيما دنى واتفاقها في الأصول
واختلافها في الفروع . . .

Ibid., pp. 141–143, 149–156, 214; idem, *al-Risāla al-jāmi'a*, vol. 1, p. 526. Regarding the concept of "roots" see also Peerwani, "Abū Ḥātim Rāzī," pp. 283–285; and cf. Chittick, *Imaginal Worlds*, p. 134; al-Ghorab, "Muhyiddin Ibn al-'Arabī," p. 209.

The esoteric idea behind the pair of terms *ẓāhir-bāṭin* is of great importance to the Ismāʿīlī worldview: the *ẓāhir*, i.e. the revealed scripture and its accompanying *sharʿa* enunciated by the “speaker” prophets (the *nuṭaqā*), change from one historical cycle to the next; in contradistinction, the *bāṭin*, safeguarded by the prophets’ heirs, the *imāms* and their close followers, remains the same throughout history.²⁹ This view may result in a tolerant attitude towards religious opponents, since religious disputes are perceived as pertaining merely to the external ‘shell’ of religion; at the same time, this view may also yield a fierce hatred towards the orthodoxy, towards *ahl al-ẓāhir* (not to be confused with the *Ẓāhirī madhhab*) who adhere solely to the external aspect of religion and ignore its true and unchanging ‘kernel’, the *bāṭin*.³⁰

Accordingly, in Ismāʿīlī literature, the *ẓāhir* is often viewed as a source of spiritual errors, uncertainty, disagreements and even bloodshed, and hence as a manifestation of Divine punishment or chastisement, contrary to Divine mercy which is reflected in the *bāṭin*. For instance, the Ismāʿīlī *dāʿī* (“propagandist”) and Neoplatonic author Abū Yaʿqūb al-Sijistānī (d. after 361/971), who was active in Khurāsān and Transoxania, states that “as the dreadful and deadly waves of the ocean rage high, so too in the *ẓāhir* of the *nāṭiq* [i.e. in the *sharʿa* enunciated by the “speaker” prophet] and in his domain are born the harmful and pernicious waves of disagreement (*ikhtilāf*). Water is much better in the *bāṭin* of things than in their *ẓāhir*”. Similarly, al-Sijistānī claims that contrary to the *tanzīl* (the “sending down” of a holy scripture to a prophet) and *taʿlīf* (the “composing” of a *sharʿa* by a prophet) which change from one *nāṭiq* to the next, the *taʾwīl*—the esoteric interpretation which uncovers the inner dimension of religion—always remains the same. Hence, “disagreement and arguments are only in the *ẓāhir*, not in the hidden aspect [of religion, *al-khafi*]”.³¹ It is in this context that al-Sijistānī offers an allegorical interpretation of hell

29 See Daftary, *The Ismāʿīlīs*, s.v. “*bāṭin*” and “*ẓāhir*”; Halm, *Fatimids*, pp. 49f.; Peerwani, “Abū Ḥatīm Rāzī”; Daiber, “Abū Ḥatīm ar-Rāzī”. On *bāṭin* and *ẓāhir* in Imāmī thought, see Amir-Moezzi, “Du droit à la théologie”, and in Islamic mysticism in general, see De Smet, “Au delà”.

30 On the negative attitude towards Sunnīs in Imāmī and Ismāʿīlī thought, see, e.g., Kohlberg, “Some Imāmī Shīʿī Views”; idem, “*Barāʿa*”; Amir-Moezzi, *Divine Guide*, pp. 87f., 127f.; idem, “Notes,” pp. 735–738; Bar-Asher, “Outlines,” pp. 282–285, 287–289.

31 See al-Sijistānī, *Kitāb al-Yanābiʿ*, p. 11:

وَأَنَّ مِنَ الْمَاءِ تَلْتَطِمُ الْأَمْوَاجُ الْهَائِلَةُ الْمَهْلِكَةُ لِلْخَلْقِ كَذَلِكَ فِي ظَاهِرِ النَّاطِقِ وَحَيْزِهِ تَوَلَدَ
أَمْوَاجُ الْاِخْتِلَافِ الْمُؤَدِيَّةِ [= الْمُؤَدِيَّةِ] الْمَوْبِقَةِ وَصَلَحَ الْمَاءُ فِي بَاطِنِ الْأَشْيَاءِ أَكْثَرَ مِنْهُ
فِي ظَاهِرِهِ

(*al-nār*, “the fire”) and paradise (*al-janna*, “the garden”): whereas “the garden” signifies the divine knowledge that flows from the “speaker” prophets, their heirs, the *imāms* and the members of the *da‘wa* (“propaganda”) hierarchy, “the fire” signifies “the religious legal codes (*al-sharā‘i‘ al-nāmūsiyya*) deprived of [the esoteric] sciences (*al-‘ulūm*)...employing them [without their esoteric aspect] corrupts the subtle form (*al-ṣūra al-laṭīfa*) and brings about doubt and confusion”. As fire is found everywhere and is “apparent” (*ẓāhira*) while gardens are located in specific places and are safeguarded by certain individuals, so too the religious legal codes are found everywhere and are apparent to all, while the esoteric knowledge can only be attained by means of the prophets and their heirs. The religious legal code bereft of its internal-hidden aspect is further described by al-Sijistānī as “lethal poisons” (*sumūm qātila*).³² Other Ismā‘īlī sources as well link the external-manifest aspect of religion with hell and Divine chastisement, on the one hand, and the internal-hidden aspect of religion with paradise and Divine mercy, on the other. The Qur’ānic verse which is quoted in support of this idea is found in *sūra* 57:13. Referring to the eschatological fate of the believers and the “hypocrites” (*al-munāfiqūn*), the Qur’ān declares that “a wall (*sūr*) will be erected between them; on the interior side of its gate is mercy and on its opposite, exterior side chastisement”

Also *ibid.*, p. 92:

... التركيب والتأويل لا اختلاف فيهما والتأويل [= والتأييد] والتزويل مختلفان من جهة النطقاء فإن كل ناطق يحمل التأيد على قدر صفوته ويؤلف الشريعة على مقدار زمانه ودوره وأما التركيب فإنه في كل وقت على نسق واحد وترتيب واحد كذلك التأويل وإنما صنعة الأشياء المولفة بالتأليف الشرعي لا تختلف باختلاف الشرائع بل هو علم محض لا يشوبه الاختلاف والتنازع وإنما الاختلاف والتنازع في الظاهر وحده دون الخفي . . .

See also *ibid.*, p. 14:

وعنوا بالوتد الثالث الذي هو السابع وبيت الخصومة الناطق الذي هو أحد النطقاء السبعة ومن قبله تتولد الخصومات والاختلافات في أهل العالم

See also Ja‘far b. Manṣūr al-Yaman, *Sarā‘ir*, p. 22:

... إذ كان ظاهر الشرائع محمولا على الاختلاف والتنازع . . .

And Ikhwān al-Ṣafā’, *al-Risāla al-jāmi‘a*, vol. 2, pp. 271–274. On al-Sijistānī see mainly Walker, *Early Philosophical Shīsm*.

32 See al-Sijistānī, *Kitāb al-Yanābi‘*, pp. 67–69 (p. 68):

كذلك الشرائع الناموسية المعراة عن العلوم . . . والاستعمال لها يفسد الصورة اللطيفة ويوقع الشبهة والالتباس

See also Walker, *Early Philosophical Shīsm*, pp. 120, 122f.

(*fa-ḍariba baynahum bi-sūr lahu bāb bāṭinuhu fihi al-raḥma wa-ẓāhiruhu min qibalihi al-ʿadhāb*).³³

According to several Ismāʿīlī authors, the religious legal codes are implemented through compulsion and violence, whereas the esoteric knowledge is granted to the true believers as a result of their own free choice (*ikhtiyār*). This corresponds to the difference between the physical sub-lunar world, in which there is no free choice, and the higher, spiritual worlds of the universal intellect and soul, in which full freedom reigns.³⁴ In a similar vein, Ikhwān al-Ṣafāʾ distinguish between “religion” *per se* (*dīn*) and the legal code (*sharʿa*) that accompanies it. While the former pertains to the internal-hidden aspect of religion—its fundamentals or the true beliefs (*iʿtiqādāt*, *īmān*)—and is considered the root (*aṣl*), the latter pertains to the external-manifest aspect from which diversity (*furūʿ*, “branches”) arises. Religious disagreements are related to the differing legal codes, not to “religion” itself which is always one and the same. Therefore, the rule “there is no compulsion in religion” (*lā ikrāha fī al-dīn*, see *sūra* 2: 256) applies to the *dīn*, i.e. to the *bāṭin* of religion, not to the *sharʿa*, i.e. to its *ẓāhir*.³⁵

This negative view of the *ẓāhir* reflects the latent antinomian tendency in the Shīʿī-Ismāʿīlī world, a tendency which has its roots in the Christian and

33 See also al-Hāmidī, *Kanz al-walad*, p. 219:

... ظهر [ظاهر] الباب الذي من قبله العذاب هو ظاهر الشريعة المتمسك به أهل الشك والارتباب المتبرئين من التأويل فأوجب لأهل باطن الباب الثواب والرحمة وعلى أهل ظاهره العذاب والنقمة إذ كان باطن الباب هو ولاية مولانا أمير المؤمنين . . .

On the punitive aspect of the *sharʿa* discussed here see also Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 2, p. 327, vol. 3, pp. 306–308; idem, *al-Risāla al-jāmiʿa*, vol. 1, p. 302, vol. 2, p. 38.

34 See Jaʿfar b. Manṣūr al-Yaman, *Sarāʾir*, p. 19:

... كما أن العالم التركيبي مجبول بالحركة والسكون والعالم الأعلى هو العالم المختار [. . .] وكيف يمكن إحاطة هذا العالم المجبور بالعالم الروحاني الاختياري . . .

Ibid., p. 26:

فذلك صارت النواميس الشرعية بالجبر والقهر والقوة والغلبة وإقامة العلوم الحكيمة والتأويلات الدينية بالاختيار

On *ikhtiyār* in this context see also Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 4, pp. 460f.

35 See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 2, pp. 367–369, vol. 3, pp. 452, 486–488, vol. 4, pp. 460f.; idem, *al-Risāla al-jāmiʿa*, vol. 2, pp. 324–326; cf. Daiber, “Abū Ḥātim ar-Rāzi,” p. 92. For the principle according to which the “wise men and philosophers” (*al-ḥukamāʾ wa-l-falāsifa*) may disagree on “expressions and branches” (*al-alfāẓ wa-l-furūʿ*) yet they always agree on the “roots and meanings” (*al-uṣūl wa-l-maʿānī*), see Ikhwān al-Ṣafāʾ, *al-Risāla al-jāmiʿa*, vol. 2, pp. 7f.; see also ibid., vol. 1, pp. 290f. For the differentiation between *dīn*=*bāṭin* and *sharʿa*=*ẓāhir* see also Jaʿfar b. Manṣūr al-Yaman, *al-ʿĀlim*, p. 17:

... فالباطن دين الله الذي دان به أولياء الله والظاهر شرائع الدين وأمثاله . . .

Gnostic traditions and which, however, surfaced and became fully realized only among certain Shīʿī and Ismāʿīlī factions at different historical periods.³⁶ Nevertheless, the association of *ẓāhir* with conflict and disagreement, on the one hand, and of *bāṭin* with religious unity, on the other, is also shared by orthodox Ismāʿīlī scholars who fiercely opposed these antinomian tendencies, such as the important Ismāʿīlī philosopher Ḥamīd al-Dīn Aḥmad b. ʿAbd Allāh al-Kirmānī (d. after 411/1020).³⁷

Ibn al-ʿArabī too views religious controversies as pertaining to the external-manifest aspect of religion and not to its internal-hidden aspect which remains the same throughout history. For example, in one of his discussions on the proper understanding of anthropomorphic sayings in the Qurʾān and *Ḥadīth*, Ibn al-ʿArabī explains that

the sayings concerning God of those who employ their intellects and personal thoughts (*al-ʿuqalāʾ aṣḥāb al-afkār*) are at variance with one another (*ikhtalafat*) in accordance with their reasoning (*ʿalā qadr naẓarihim*). The god that is worshiped by the intellect deprived of belief (*īmān*) is similar to—nay, it is—a god forged according to what the reasoning of that intellect has given. Hence, the truth of [this god] is at variance with other intellects, and so the intellects are opposed to each other. Every group from among the people of the intellects condemns the other group of being ignorant concerning God—though they [too] belong to the Muslim men of reason who employ allegorical interpretation (*al-nuẓẓār al-islāmīyyīn al-mutaʾawwilīn*)—and every group accuses the other of unbelief (*fa-kull ṭāʾifa tukaffiru al-ukhrā*). However, as for the messengers, may Allāh's prayers be upon them—from Adam, peace be upon him, to Muḥammad, may Allāh's prayer and blessing be upon him—no disagreement (*ikhtilāf*) has been ascribed to them concerning the descriptions they attributed to Allāh. On the contrary: they all speak in the very same way regarding this matter; the [holy] scriptures which they have brought

For a similar esoteric meaning of *dīn* in Imāmī literature, see Amir-Moezzi, *Divine Guide*, index, s.v. “*dīn* / *dīn al-ḥaqq*”. On *lā ikrāha fī al-dīn*, see Friedmann, *Tolerance*, especially pp. 87–120; Crone, “No Compulsion in Religion”.

36 See De Smet, “Adam,” pp. 188, 190f., 198, 200f.; see also idem, “Au delà”; Steigerwald, “La dissimulation,” p. 55 and n. 50. On the Gnostic roots of the notions discussed here, see Halm, *Kosmologie*, pp. 101–109, 19f.

37 See, e.g., al-Kirmānī, *Rāḥat al-ʿaql*, pp. 242, 248f.; idem, *Kitāb al-Riyāḍ*, p. 48. On al-Kirmānī and his philosophy, see Daftary, *The Ismāʿīlīs*, pp. 245f.; De Smet, *Quiétude*; Walker, *Ḥamīd al-Dīn al-Kirmānī*.

all speak in the very same way about Allāh. No two among them have ever disagreed with one another—they confirm each other despite the long periods of time [separating between them] and though they have never met [...] the harmony of the messengers has not been disrupted.

Contrary to “those who employ their intellects and personal thoughts”—namely, theologians and philosophers—both the simple believers and the mystics adhere to the true, unchanging tradition of the prophets.³⁸ Elsewhere, in referring to scholarly arguments on the science of letters, Ibn al-ʿArabī states that “there is seemingly (*fi l-zāhir*) a disagreement among our companions regarding this question, but it is by no means a [real] disagreement”.³⁹

38 See Ibn al-ʿArabī, *Futūḥāt*, vol. 1, p. 282 (chapter 35 = ed. Yahyā, vol. 3, pp. 337f.):

والعقلاء أصحاب الأفكار اختلفت مقالاتهم في الله تعالى على قدر نظرهم فالإله الذي يعبد بالعقل مجردا عن الإيمان كأنه بل هو إله موضوع بحسب ما أعطاه نظر ذلك العقل فاختلفت حقيقته بالنظر إلى كل عقل وتقابلت العقول وكل طائفة من أهل العقول تجهل الأخرى بالله وإن كانوا من النظار الإسلاميين المتأولين فكل طائفة تكفر الأخرى والرسل صلوات الله عليهم من آدم عليه السلام إلى محمد صلى الله عليه وسلم ما نقل عنهم اختلاف فيما ينسونه إلى الله من النعوت بل كلهم على لسان واحد في ذلك والكتب التي جاؤوا بها كلها تنطق في حق الله بلسان واحد ما اختلف منهم اثنان يصدق بعضهم بعضا مع طول الأزمان وعدم الاجتماع وما بينهم من الفرق المنازعين لهم من العقلاء ما اختلف نظامهم وكذلك المؤمنون بهم على بصيرة المسلمون الذين لم يدخلوا نفوسهم في تأويل فهم أحد رجلين إما رجل آمن وسلم وجعل علم ذلك إليه إلى أن مات وهو المقلد وأما رجل عمل بما علم من فروع الأحكام واعتقد الإيمان بما جاءت به الرسل والكتب فكشف الله عن بصيرته وصيره ذا بصيرة في شأنه كما فعل بنبيه ورسوله صلى الله عليه وسلم وأهل عنايته فكشف وأبصر . . . وهؤلاء هم العلماء بالله العارفون وإن لم يكونوا رسلا ولا أنبياء فهم على بينة من ربهم في علمهم به وبما جاء من عنده

See also *ibid.*, p. 342 (chapter 50 = ed. Yahyā, vol. 4, pp. 224f.); Chittick, *Imaginal Worlds*, p. 134; al-Ghorab, “Muhyiddin Ibn al-ʿArabī”, p. 209.

39 Ibn al-ʿArabī, *Kitāb al-Mīm*, vol. 1, no. 8, p. 3:

ولأصحابنا في هذه المسألة خلاف في الظاهر وليس بخلاف أصلا . . .

A similar view is expressed by the Andalusian Neoplatonic mystic Ibn Masarra (b. 269/883; d. 319/931). He states that the controversies among scholars regarding the *fawātiḥ* (the fourteen mysterious letters at the beginning of twenty-nine Qurʾānic *sūras*) apply only to the *zāhir*, not to the *bāṭin* in relation to which complete agreement prevails; see Ibn Masarra, *Khawāṣṣ al-ḥurūf*, Ms. Chester Beatty 3168, p. 134:

وبعد ذلك حروف القرآن التي في أوائل السور . . . وقد اختلفت العلماء في تأويلها . . . فذلك كثر اقترافهم وتعذر اتفاقهم في ظاهر اللفظ واتفق في باطنه

Kitāb Khawāṣṣ al-ḥurūf was published by Muḥammad Kamāl Ibrāhīm Jaʿfar and by Garrido Clemente, “Edición”. Ibn Masarra’s works exhibit close links and affinities with

Whereas the reasoning of the exoteric scholars produces variant opinions and causes disputes among them, the divine knowledge and unveiling granted to the mystic by God protects him from such disputes and ensures his possession of the immutable truth.⁴⁰

In addition, as in Ismāʿīlī literature, Ibn al-ʿArabī associates the exoteric aspect of religion—i.e. its legal code and revealed text known to the exoteric scholars (*ʿulamāʾ al-ẓāhir*)—with divine chastisement, on the one hand, and the internal-hidden aspect of religion—the esoteric knowledge granted by God to the mystics (*ahl al-kashf*)—with divine mercy, on the other. Referring to the fourteen mysterious letters at the beginning of twenty-nine Qurʾānic *sūras* (the *fawātiḥ*), Ibn al-ʿArabī declares that

only those who perceive the intelligible forms (*ahl al-ṣuwar al-maʿqūla*) know the true essence of the unknown beginnings [= the *fawātiḥ*] of the [twenty nine] *sūras*. He [Allah] has rendered the *sūras* of the Qurʾān with [the letter] *sīn*, which is the religious legal devotion (*al-taʿabbud al-sharʿī*) and the exterior side of the wall (*ẓāhir al-sūr*) where the chastisement takes place and where ignorance occurs concerning [the *fawātiḥ*]. However, its interior side (*wa-bāṭinuhu*) is with [the letter] *ṣād* [= *ṣuwar*, “the intelligible forms”], which is the place of mercy; it is nothing but the knowledge of the true essences [of the *fawātiḥ*] which is the belief in Allāh’s unity . . .⁴¹

Ismāʿīlī writings; see Ebstein, *Mysticism and Philosophy*; idem, “Word of God”; Stroumsa/Sviri, “Beginnings,” pp. 210 n. 37, 214; Tornero, “Report,” pp. 148f.

40 Ibn al-ʿArabī, *Futūḥāt*, vol. 1, p. 99 (chapter 2, *faṣl* 1 = ed. Yaḥyā, vol. 1, pp. 250f.):

. . . وفي هذا خلاف بين أصحاب علم الطبائع عن النظر . . . فإنه ما عندنا فيه إلا الشيء الحق الذي هو عليه وما عندنا خلاف فإن الحق تعالى الذي نأخذ العلوم عنه بخلو القلب عن الفكر والاستعداد لقبول الواردات هو الذي يعطينا الأمر على أصله من غير إجمال ولا حيرة فنعرف الحقائق على ما هي عليه . . .

Cf. Gril, “Science,” vol. 2, p. 203 nn. 200f.; see also *Futūḥāt*, vol. 1, p. 133 (chapter 2, *faṣl* 2):

. . . واجتمعت المذاهب فإن الخلاف لا يصح عندنا ولا في طريقنا لكنه كاشف
Takeshita, *Ibn ʿArabī’s Theory*, p. 156; Rosenthal, “Ibn ʿArabī,” pp. 10f.; al-Ghorab, “Muhyiddin Ibn al-ʿArabī,” pp. 206–213.

41 Ibn al-ʿArabī, *Futūḥāt*, vol. 1, p. 102 (chapter 2, *faṣl* 1 = ed. Yaḥyā, vol. 1, pp. 266f.):

علم أن مبادئ السور المجهولة لا يعرف حقيقتها إلا أهل الصور المعقولة ثم جعل سور القرآن بالسين وهو التعبد الشرعي وهو ظاهر السور الذي فيه العذاب وفيه يقع الجهل بها وباطنه بالصاد وهو مقام الرحمة وليس إلا العلم بحقائقها وهو التوحيد

For the expressions *ʿulamāʾ al-ẓāhir* and *ahl al-kashf*; see *ibid.* (= ed. Yaḥyā, vol. 1, pp. 265f.).

For the association of the religious legal code with the *ẓāhir*, see also *Fuṣūṣ*, p. 165.

From a broader historical perspective, the origins of the esoteric outlook discussed here are to be found in the syncretistic culture of Hellenistic times and Late Antiquity. The various speculations in this context in Ismāʿīlī sources and in the works of Ibn al-ʿArabī reflect the Hellenistic and Late Antique notion according to which the diverse religious and philosophical traditions of mankind constitute different variations of the same perennial and immutable truth. This notion is likewise shared by mediaeval Islamic philosophers, who attempted to harmonize religion with philosophy, revelation with rational thought, Plato with Aristotle, etc.⁴² What seems to separate the Ismāʿīlī authors and Ibn al-ʿArabī from these philosophers is the emphasis the former place on the status of the *awliyāʾ*, the “friends of God”, i.e. the *imāms* in the Ismāʿīlī tradition and the mystics in Ibn al-ʿArabī’s thought. These “friends of God” are superior to the exoteric scholars—be they doctors of the religious law or theologians and philosophers—who employ their personal intellects and rely on their own rational thinking. Solely the *awliyāʾ* possess knowledge of the true, immutable aspect of religion, in virtue of their direct contact with the Divine realm; and only they are protected from religious controversies which characterize the intellectual and spiritual life of the common believers.

3.3 *Neoplatonism*

The third perspective shared by the Ikhwān and Ibn al-ʿArabī is the unifying vision of reality derived mainly from the Neoplatonic tradition. According to Neoplatonic philosophy, creation emanates from the “One”, that is: from God. In this process of emanation, the different levels of the universe—the universal intellect, the universal soul, nature and so forth—unfold one after the other in a descending order, till creation reaches the sub-lunar world of man; and so, all created beings ultimately originate in God and derive from Him.⁴³ This outlook allows the mystic-philosopher to view the world as a unified and at the same time as a diversified reality. For instance, the Ikhwān explain that when God created the existents,

42 See, e.g., Fakhry, *History*, p. 286; Taylor, “Averroes”; idem, “Truth”; Adamson, *Arabic Plotinus*, pp. 180–182; Altmann/Stern, *Isaac Israeli*, pp. 10, 16f., 39f., 42–45. On the esoteric aspect of the notion discussed here see Ebstein, “Secrecy,” p. 342 n. 71; Kippenberg/Stroumsa, *Secrecy*, p. xviii; and Lamberton, “The ΑΠΟΡΡΗΤΟΣ ΘΕΩΡΙΑ,” p. 145. For the modern expression of the idea of the unity of truth, especially in Western spiritual movements that were influenced by Islamic mysticism, see Sedgwick, *Against the Modern World*, pp. 39–53.

43 On Ibn al-ʿArabī’s Neoplatonism and the Ikhwānian influence on his thought in this regard, see the references above in n. 8.

He made the root (*aṣl*) of them all from one matter (*hayūlā*), yet caused them to be diverse by means of the different forms (*ṣuwar*). He made them into different and diverse genera and species, strengthening that which is between their extremities and connecting their beginnings and their ends with what precedes them in a unified, organized and harmonic way . . . so that all existents will form one world which is organized in a unified and harmonic manner, thus pointing to one Creator.⁴⁴

Similarly, the manifold phenomena of the universe, which are depicted as “branches” (*furūʿ*), ultimately originate in

one root which comprises them all. [The world] is like one [single] tree that has roots, boughs and branches; and on these branches are leaves under which are flowers and fruit that have [different] colors, flavors and fragrances.

Alternatively, the universe is likened by the Ikhwān to a large tribe with many subdivisions that split into further, smaller units, or to a populated city with many different districts in which various activities take place, and so forth.⁴⁵ According to the Ikhwān, the supreme root which grants unity to all of creation is the divine word (*kalima*), identical to God’s command (*amr*) and creative fiat “be!” (*kun*). In the Neoplatonic scheme of the Ikhwān (which is reflected in other Ismāʿīlī sources as well), this divine word or *logos* is situated below God and above the universal intellect, bestowing unity and harmony upon all levels (*marātib*) of the universe.⁴⁶

44 See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 2, p. 166f.:

واعلم يا أخي أيديك الله وإيانا بروح منه بأن الباري جل ثناؤه لما أبدع الموجودات وافتتح الكائنات جعل أصلها كلها من هيولى واحدة وخالف بينها بالصور المختلفة وجعلها أجناسا وأنواعا مختلفة متفينة متباينة وقوى ما بين أطرافها وربط أوائلها وأواخرها بما قبلها وربط واحد على ترتيب ونظام لما فيه من إتقان الحكمة وإحكام الصنعة لتكون الموجودات كلها عالما واحدا منتظما نظاما واحدا وترتينا واحدا لتدل على صانع أحد.

45 See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, p. 214:

. . . ومن يريد أن يفهم حكم العالم ومجاري أموره في فروع الموجودات التي في العالم من أصولها تلك الأصول من أصول آخر قبلها إلى أن تنتهي إلى أصل يجمعها كلها كمثل شجرة واحدة لها عروق وغصان وعليها فروع وقضبان وعلى تلك الفروع والقضبان أوراق وتحته نور وثمار لها لون وطعم ورائحة.

46 On this unique Ismāʿīlī Neoplatonic scheme see Ebstein, *Mysticism and Philosophy*, pp. 33–76 (chapter 2); see also *ibid.*, p. 200 n. 14; *idem*, “The Word of God and the Divine Will”.

This Neoplatonic outlook is also found in Ibn al-ʿArabī's writings. He views the "breath of the All-Merciful" (*naḥas al-rahmān*)—i.e. the divine creative speech which Ibn al-ʿArabī links to the fiat "be!" and to God's word and command—as the source from which the universal intellect is created; the universal intellect, in turn, is the source from which the remaining levels of the universe emanate.⁴⁷ Ibn al-ʿArabī defines the "breath of the All-Merciful" as the matter (*hayūlā*) from which all the various forms of the universe (*ṣuwar*) are created: "The created beings are brought into being in every [Divine] breath. 'Every day' they are '[occupied] with a [certain] affair',⁴⁸ for they are in a breath which is the matter from which the forms are brought into being [...]."⁴⁹

According to yet another Neoplatonic notion shared by the Ikhwān and Ibn al-ʿArabī, the Divine emanation from the highest realm of the universe, via the universal intellect and soul and down to the lowest echelons of creation remains at all times one and the same, whereas its reception in the

47 See mainly chapter 198 of Ibn al-ʿArabī's *Futūḥāt* ("On the Knowledge of the Breath", *fi ma'rifat al-naḥas*), vol. 2, pp. 385–468; cf. Ebstein, *Mysticism and Philosophy*, pp. 53–57; idem, "Word of God".

48 Cf. Qurʾān 55: 29: "Every day He is [occupied] with a [certain] affair" (كل يوم هو في شأن). It is significant that both the Ikhwān and Ibn al-ʿArabī employ this verse in order to express the notion that creation is perpetually renewed by means of God's creative speech; see Ikhwān al-Ṣafā, *Rasā'il*, vol. 3, pp. 338, 351; idem, *al-Risāla al-jāmi'a*, vol. 2, pp. 288f. (and see also *Rasā'il*, vol. 3, p. 370, vol. 4, p. 209; *al-Risāla al-jāmi'a*, vol. 2, p. 320); Ibn al-ʿArabī, *Futūḥāt*, vol. 2, pp. 277 (chapter 167), 386 (the beginning of chapter 198), 389, 393f. (chapter 198, *faṣl* 1), vol. 3, p. 507 (chapter 384), vol. 4, pp. 169f. (chapter 524); and Chittick, *Sufi Path*, pp. 18f., 96–112; idem, *Self-Disclosure*, pp. 66–72.

49 Ibn al-ʿArabī, *Futūḥāt*, vol. 4, p. 229 (chapter 558, *ḥaḍrat al-rif'a*):

فالخلق في كل نفس في تكوين فهم كل يوم في شأن لأنهم في نفس وهو هيولى صور التكوين فالخلق في وجود الأنفاس شؤونه

See also Ebstein, *Mysticism and Philosophy*, pp. 54f.; idem, "Word of God". Similarly, according to the Ismāʿīlī Neoplatonist Abū Ḥātim al-Rāzī, the Divine word is "the matter [from which] all the worlds [are created]". See his *Kitāb al-Isḥāḥ*, p. 39:

. . . والعلة الأولى التي هي الكلمة هي هيولى العوالم كلها . . .

Note that according to the Arabic Neoplatonic tradition attributed to Empedocles as well as to other Pre-Socratic philosophers—a tradition reflected in various sources, many of which are Andalusian—prime matter or the first element (*al-ʿunṣur al-awwal*) is situated above the universal intellect, functioning either as the source of the various forms in the universe or as a substratum that receives these forms. On the pseudo-Empedoclean tradition see De Smet, *Empedocles Arabus*; Altmann/Stern, *Isaac Israeli*, pp. 162f. On the affinity between this type of Neoplatonism and Ismāʿīlī Neoplatonic thought, see De Smet, "Les Bibliothèques," p. 490; Afifi, *Mystical Philosophy*, pp. 181–183; Stroumsa, "Review"; and cf. Stroumsa/Sviri, "Beginnings," pp. 207–211.

sub-lunar world changes and varies according to the diverse spiritual aptitudes of the different beings that populate this world. Like the shining of the sunlight, so too God's blessings and graces flow constantly down into the world; the way in which the existents receive (*qabila*, *qubūl*) this flow depends upon their own personal capacities.⁵⁰ Accordingly, as explained above, the Ikhwān maintain that religion (*dīn*) is essentially one and unchanging, while the various religious legal codes (*sharā'i*) differ from one another. This diversity and the religious disagreement it entails do not originate in the Divine message itself which is unified and immutable, but rather result from the divergent spiritual capabilities of those who receive the Divine message.⁵¹ Due to their differing degrees of preparedness (*isti'dād*), the beings in the world receive the Divine benefits, which constantly emanate from above, in diverse ways.⁵²

Ibn al-'Arabī likewise assigns great importance to the spiritual preparedness (*isti'dād*) of all beings which determines the manner and degree in which they receive the Divine self-manifestation. He states, for example, that

the Divine Presence (*al-ḥaḍra al-ilāhiyya*) continuously reveals Itself; no veil in Its regard can be pictured between us and It. So when a certain heart does not receive It in respect of the commendable religious-legal discourse, because this heart received something other than It—this

50 See, e.g., Ikhwān al-Ṣafā', *Rasā'il*, vol. 1, pp. 148f., vol. 3, pp. 463, 471–480; idem, *al-Risāla al-jāmi'a*, vol. 2, p. 253–259; Ibn al-'Arabī, *Futūḥāt*, vol. 1, pp. 360f. (chapter 57 = ed. Yahyā, vol. 4, pp. 308–310); idem, *al-Tadbirāt al-ilāhiyya*, pp. 126f.; idem, *Kitāb 'Anqā'*, pp. 57f. For this and similar motifs in classical Neoplatonic thought, see, e.g., Plotinus, *Enneads*, vol. 1, p. 271 (= *Ennead* 1, 7, 1), vol. 3, pp. 135–137 (= 111, 3, 7), vol. 5, pp. 115–117, 211 (= v, 3, 12; v, 6, 4), vol. 6, pp. 277–285, 289–297, 308–309 (= vi, 4, 2–3, 5–7, 11), vol. 7, pp. 287–289 (= vi, 8, 18); see also Fakhry, *History*, p. 32.

51 Ikhwān al-Ṣafā', *al-Risāla al-jāmi'a*, vol. 2, pp. 324–327.

52 Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, p. 75:

... الإنسان العاقل يرى ويعتقد أن للعالم صانعا بارئا . . . ولا يخفى عليه من أمر عالمه صغيرة ولا كبيرة إلا وهو يعلمها ويدبرها تدبيرا واحدا بحسب ما يليق بواحد واحد من الموجودات والكائنات وبحسب الاستعدادات الحاصلة من الكائنات وأن يجري حكمه عالمه بجميع خلائقه من الأفلاك والبروج والكواكب والأركان والمولودات كمجرى حكم إنسان واحد وحيوان واحد . . .

Ibid., pp. 357f.:

... ومثل رجل حكيم لا يقدر أن يعلم الطفل لا لعجز في الحكيم بل لأن الطفل غير مستعد لقبول ذلك في حال الطفولية وعلى هذا القياس يوجد العجز من الهوى وعسر قبولها للصورة لا لعجز في الصانع الحكيم.

reception of something other is termed 'rust [of the heart]', 'veil', 'lock', 'blindness', 'dirt' and so forth.⁵³

Furthermore, Ibn al-ʿArabī considers all existents to be the words of God: just as human speech is formed from breathing and pronouncing letters and words, so too Divine creation is formed from letters and words which derive from the "breath of the All-Merciful". On the one hand, therefore, all beings are essentially one, since they are created from the same Divine breath which incessantly flows throughout creation; on the other hand, these beings differ from one another according to their varying "preparedness" for receiving the Divine breath or Divine self-manifestation, in the same way that letters—which are formed from the same breath—differ from one another according to their various places of articulation (*makhārij*). Hence, despite spiritual diversity and religious controversies,

all will return to [Divine] mercy, for He has created them and manifested them in the cloud (*ʿamā*),⁵⁴ which is the breath of the All-Merciful. They are like letters in the breath of one who speaks—they differ according to the [various] places of articulation. So too the world differs in respect of

53 Ibn al-ʿArabī, *Futūḥāt*, vol. 1, p. 137 (chapter 2, *faṣl* 3 = ed. Yaḥyā, vol. 2, p. 83):

. . . لأن الحضرة الإلهية متجلاة على الدوام لا يتصور في حقها حجاب عنا فلما لم يقبلها هذا القلب من جهة الخطاب الشرعي المحمود لأنه قبل غيرها عبر عن قبول ذلك الغير بالصدأ ولكن والقفل والعى والران وغير ذلك.

On *qubūl* and *istiʿdād* see also idem, *Fuṣūṣ*, p. 49:

. . . وما هو إلا حصول الاستعداد من تلك الصورة المسواة لقبول الفيض التجلي الدائم الذي لم يزل ولا يزال . . .

Ibid., pp. 59, 67; Chittick, *Sufi Path*, pp. 91–94 and index, s.v. "*istiʿdād*" and "*qabūl*"; idem, *Imaginal Worlds*, pp. 141, 143f., 149f., 152.

54 That is, the mythic cloud in which, according to a tradition attributed to the Prophet Muḥammad, God was situated before creation. See, e.g., Ibn Ḥanbal, *al-Musnad*, vol. 12, p. 481 (# 16132):

. . . قلت يا رسول الله أين كان ربنا عز وجل قبل أن يخلق خلقه؟ قال كان في عماء ما تحته هواء وما فوقه هواء ثم خلق عرشه على الماء

According to Ibn al-ʿArabī, the *ʿamā* is none other than the breath of the All-Merciful; see, e.g., *Futūḥāt*, vol. 2, p. 386, (the beginning of chapter 198):

ثم لما أوجد العالم وفتح صورته في العماء وهو النفس . . .

[physical] constitution (*mizāj*) and beliefs, despite its unity which is due to the fact that it is a created world.⁵⁵

Indeed, both the Ikhwān and Ibn al-ʿArabī place much emphasis on God's mercy which operates unceasingly within the universe; this mercy originates in the Divine hypostasis situated above the universal intellect—i.e. God's creative word. The Ikhwān explain that this hypostasis and the words (*kalimāt*, the *logoi*) that emanate from it and which are dispersed throughout the universe are the direct reason for the continuous existence of the world. Were the Divine speech to cease, "the heavens and the earth would vanish and creation would disappear; things would be reduced to nought all at once—were [God], glory be to Him, to stop the flow of His mercy (*ḥayd rahmatihī*) and the blessings of His word".⁵⁶ Consequently, the Ikhwān forbid the killing of religious adversaries and instruct the reader of their Epistles to show

55 See Ibn al-ʿArabī, *Futūḥāt*, vol. 2, p. 385 (the beginning of chapter 198):

إعلم أن الموجودات هي كلمات الله التي لا تنفد . . . والكلمات المعلومة في العرف إنما تتشكل عن نظم الحروف من النفس الخارج من المتنفس المتقطع في المخارج فيظهر في ذلك التقاطع أعيان الحروف على نسب مخصوصة فتكون الكلمات

Ibid., p. 390 (chapter 198):

ثم لتعلم أن نفس المتنفس لم يكن غير باطن المتنفس فصار النفس ظاهراً وهو أعيان الحروف والكلمات فلم يكن الظاهر يأمر زائد على الباطن فهو عينه واستعداد المخارج لتعيين الحروف في النفس استعداد أعيان العالم الثابتة في نفس الرحمان

Ibid., p. 465 (*faṣl* 50):

إعلم أن الإمداد الإلهي للموجودات لا ينقطع فإذا قصر فن القابل لا من جانب الممد؛ فالإمداد تنفس رحمان . . .

Ibid., vol. 3, p. 451 (chapter 374):

لهذا كان مآل الجميع إلى الرحمة لأنه خلقهم وأظهرهم في العماء وهو نفس الرحمن فهم كالحروف في نفس المتكلم في المخارج وهي مختلفة كذلك اختلف العالم في المزاج والاعتقاد مع أحديته أنه عالم محدث.

56 Ikhwān al-Ṣafāʾ, *al-Risāla al-jāmiʿa*, vol. 1, pp. 472f.:

وكلماته موجودة في مخلوقاته بقوله كن فكانت الكلمة ينبوع أصل الخلق ومبدأ أول الفطرة فكلامه ظهر جوده . . . كالمكلم المبدى بكلامه ما أراد من أوامره ونواهي وما تم له بذلك الكلام من مراده واختياره بحسب قدرته وقوته وقد قلنا إن في المعلول توجد آثار العلة فهذا البرهان يجب أن تكون الموجودات بأسرها كانت بكلمات الله التامة العامة التي لا انفصام لها ولا انفصال إذ لو انفصلت وانفصلت لزالَت السموات والأرض وذهبت الخليفة وتلاشت الأشياء بلا زمان كذلك لو قبض سبحانه فيض رحمته وبركات كلمته

mercy, compassion and forgiveness to all living creatures.⁵⁷ Ibn al-ʿArabī too commends compassion towards human beings who were born “according to Allāh’s form” (‘*alā ṣūratihī*), and views violence and bloodshed in a negative way—even when these are carried out for Allāh’s sake and according to religious legal norms, for instance, when fighting against Islam’s enemies (*jihād*) or when retaliating against someone who has committed homicide (*qiṣāṣ*).⁵⁸

Yet Ibn al-ʿArabī goes one step further in developing a relative conception of eschatology, in which the traditional lines separating the righteous from the evildoers and paradise from hell are blurred in light of God’s compassion and the Divine unity which underlies the manifold phenomena of the universe. For if creation is indeed a product of the Divine self-disclosure, if all beings are manifestations of God’s names and attributes and ultimately act in accordance with His will, then it stands to reason that sinners too have their place in the Divine scheme.⁵⁹

Cf. Qurʾān 18: 109; 31: 27; and al-Sijistānī, *Kitāb al-Yanābiʿ*, p. 82. For Ibn al-ʿArabī’s concept of mercy see, in addition to the last reference given in the previous note, *Fuṣūṣ*, pp. 220f.; Nettler, “Ibn ‘Arabī’s Notion”; s.v. “mercy” in the indices of Chittick, *Sufi Path* and idem, *Self-Disclosure*; idem, *Imaginal Worlds*, pp. 148f., 167–176. On mercy in Islamic mysticism in general and on its pre-Islamic antecedents see Sviri, “Between Fear and Hope,” pp. 333–337.

57 See Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 4, p. 44:

فإن من الناس من يرى ويعتقد في دينه ومذهبه أنه حلال له سفك دم كل مخالف له في مذهبه مثل اليهود والخوارج وكل من يكفر بالرب ومن الناس من يرى ويعتقد في دينه ومذهبه الرحمة والشفقة للناس كلهم ويرثي للمذنبين ويستغفر لهم ويتحنن على كل ذي روح من الحيوان ويريد الصلاح للكل وهذا مذهب الأبرار والزهاد والصالحين من المؤمنين وهكذا مذاهب إخواننا الكرام.

58 Ibn al-ʿArabī, *Fuṣūṣ*, p. 167:

إعلم أن هذه النشأة الإنسانية بكمالها روحاً وجسماً ونفساً خلقها الله على صورته فلا يتولى حل نظامها إلا من خلقها . . . واعلم أن الشفقة على عباد الله أحق بالرعاية من الغيرة في الله؛ ألا ترى عدو الدين قد فرض الله في حقهم الجزية والصلح إبقاء عليهم وقال وإن جنحوا للسلم فاجنح لها وتوكل على الله ألا ترى من وجب عليه القصاص كيف شرع لولي الدم أخذ الفدية أو العفو فإن أبي حينئذ يقتل . . .

On the idea of *Imago Dei* in the monotheistic tradition and in the writings of Ibn al-ʿArabī, see the discussions and references in Takeshita, *Ibn ‘Arabī’s Theory*, pp. 8–73; Chittick, *Sufi Path*, pp. 16f., 274–278, 399 n. 4; Gimaret, *Dieu*, pp. 123–136; Lorberbaum, *Image of God*; Ebstein, *Mysticism and Philosophy*, pp. 165–168.

59 Note, however, that Ibn al-ʿArabī distinguishes between the “imposing command” (*al-amr al-taklīfī*), by which God imposes religious legal obligations on mankind, and the “exis-

'No beast [moves] unless He holds its forelock; for my Lord is on a right path' [Qur'ān 11:56]. Anyone who moves is on the right path of the Lord; from this perspective, he is [among] 'those who are not the object of [Allāh's] wrath' and [among] 'those who have not gone astray' [see Qur'ān 1:6–7]. Just as straying from the right path is a temporary accident (*'arīḍ*), so too Divine wrath is a temporary accident; and the return will be to [Divine] mercy which encompasses everything [see, e.g., Qur'ān 7:156] and which takes precedence over [Divine wrath]....

In a deep sense, being in hell does not necessarily mean that one is far away from God, but rather that he is close to Him.⁶⁰ The torments and chastisement (*'adhāb*) which the wretched ones will suffer will eventually become sweetness (*'udhūba*); in other words, in due course, all will enjoy some form of paradisaical pleasures.⁶¹

tentiating command" (*al-amr al-takwīnī*) or the "command of volition" (*amr al-mashī'a*), by which God creates everything according to His will. Transgression against the Divine will is only possible in respect of the "imposing command", not the "existentiating command"/"command of volition". See *Fuṣūṣ*, pp. 165f.; see also Chittick, *Sufi Path*, pp. 291–294; idem, *Self-Disclosure*, pp. 250–253; idem, *Imaginal Worlds*, pp. 141–144.

60 Ibn al-'Arabī, *Fuṣūṣ*, p. 106:

ما من دابة إلا هو أخذ بناصيتها إن ربي على صراط مستقيم فكل ماش فعلى صراط الرب المستقيم فهو غير مغضوب عليهم من هذا الوجه ولا ضالون فكما كان الضلال عارضا كذلك الغضب الإلهي عارض والمآل إلى الرحمة التي وسعت كل شيء وهي السابقة وكل ما سوى الحق دابة فإنه ذو روح وما ثم من يدب بنفسه وإنما يدب بغيره فهو يدب بحكم التبعية للذي هو على الصراط المستقيم . . .

Ibid., pp. 107–109. For the *ḥadīth* "my mercy took/will take precedence over my wrath" (*sabaqat raḥmatī ghaḍabī*) and other, similar traditions, see Muslim b. al-Ḥajjāj, *Ṣaḥīḥ Muslim*, vol. 2. pp. 2107–2112 (*bāb fī sa'at raḥmat Allāh ta'ālā wa-annahā sabaqat ghaḍabahu*); al-Haythamī, *Majma'*, vol. 10, pp. 213f. (*bāb minhu fī raḥmat allāh ta'ālā*); and see also the reference to Sviri above in n. 56.

61 See, e.g., Ibn al-'Arabī, *Fuṣūṣ*, p. 114:

فالكل مصيب وكل مصيب مأجور وكل مأجور سعيد وكل سعيد مرضي عنه وإن شقي زمانا ما في الدار الآخرة . . . فمن عباد الله من تدرّكهم تلك الآلام في الحياة الأخرى في دار تسمى جهنم ومع هذا لا يقطع أحد من أهل العلم الذين كشفوا الأمر على ما هو عليه أنه لا يكون لهم في تلك الدار نعيم خاص بهم إما بفقد ألم كانوا يجدونه فارتفع عنهم فيكون نعيمهم راحتهم عن وجدان ذلك الألم أو يكون نعيم مستقل زائد كنعيم أهل الجنان في الجنان والله أعلم

4 Conclusion

Both the Epistles of Ikhwān al-Ṣafā' and the writings of Ibn al-'Arabī exhibit a liberal and tolerant approach whereby the various religions and spiritual paths are all viewed as legitimate means of gaining proximity to God. This approach is based on three perspectives: first, a relative perspective, formulated by the Ikhwān in scientific-anthropological terms and by Ibn al-'Arabī in his unique mystical concept of *al-rabb/al-ilāh al-mu'taqad*; second, the esoteric perspective, according to which religious disagreements pertain to the external-manifest aspect of religion whereas the internal-hidden aspect remains one and the same throughout history; and third, the Neoplatonic mystical-philosophical perspective, in light of which the diverse phenomena of the universe are all perceived as ultimately emanating from the One God. The combining of these three perspectives into a comprehensive system of thought which is inspired, *inter alia*, by Neoplatonic philosophy and cosmology, is unique to the Ikhwān and Ibn al-'Arabī, at least in comparison with most Ṣūfī works that were written prior to the rise of Ibn al-'Arabī.

Nevertheless, it is essential to stress that in addition to the horizontal model described here which affirms the equality between all created beings, another model is found in the Epistles of the Ikhwān and in the writings of Ibn al-'Arabī, one that asserts the vertical-hierarchical nature of the universe and of human society. Thus, the Ikhwān and Ibn al-'Arabī proclaim the complete superiority of Islam over all other religions and express their wholehearted adherence to its legal code, the *sharī'a*.⁶² Moreover, they emphasize the supreme status of

Ibid., p. 169:

وأما أهل النار فألهم إلى النعيم ولكن في النار إذ لا بد لصورة النار بعد انتهاء مدة العقاب أن تكون بردا وسلاما على من فيها وهذا نعيمهم فنعيم أهل النار بعد استيفاء الحقوق نعيم خليل الله حين ألقى في النار . . .

Idem, *Futūḥāt*, vol. 1, pp. 163f. (chapter 5, *waṣl fi qawlihi ta'ālā malik yawm al-dīn*, = ed. Yaḥyā, vol. 2, p. 200). On the influence of Ibn al-'Arabī on 'Abd al-Karīm al-Jīlī (14th–15th century) in the context discussed here, see Nicholson, *Studies*, pp. 130–142.

62 On the superiority of Islam and its Prophet, see, e.g., Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, pp. 164f.; Ibn al-'Arabī, *Futūḥāt*, vol. 1, pp. 195–200 (chapter 12 = ed. Yaḥyā, vol. 2, pp. 330–346), 286–291 (chapter 36 = ed. Yaḥyā, vol. 3, pp. 356–378); Chittick, *Sufi Path*, pp. 349–352; idem, *Imaginal Worlds*, pp. 125f., 137, 145f., 155; and cf. Daiber, "Abū Ḥātim ar-Rāzī," pp. 98f. On the importance of observing the *sharī'a* in Ibn al-'Arabī's thought, see al-Ghorab, "Muhyiddin Ibn al-'Arabī," pp. 223f. As for the Ikhwān, throughout their Epistles, they stress the importance of both religious practice (*'amal*) and knowledge (*'ilm*); see, e.g., *Rasā'il*, vol. 3, p. 538. On the notion of hierarchy in the writings of Ibn al-'Arabī and in the Epistles of the Ikhwān, see Ebstein, *Mysticism and Philosophy*, pp. 136–143; see also

the *awliyā'*, the “friends of God”—i.e. the Shī'ī *imāms* and their close followers or the Brethren themselves according to the *Rasā'il ikhwān al-ṣafā'*, and the mystics in Ibn al-'Arabī's thought. The “friends of God” alone possess the true, Divine knowledge. Consequently, both the Ikhwān and Ibn al-'Arabī are often quite polemical vis-à-vis their ideological opponents—the exoteric scholars who specialize in religious law and theology, whose knowledge is not God-given but is rather based on their own personal reasoning. One could mention in this context numerous passages from Ibn al-'Arabī's works and from the Ikhwān's *Rasā'il* in which these opponents are severely criticized and ruthlessly attacked. For example, the Ikhwān, who condemn the above-mentioned *al-mujādila* for their erroneous beliefs as well as for their love of disputes and practice of *takfīr*, themselves brand the members of this group as “nonbelievers” (*kuffār, kafara*).⁶³

Finally, one should bear in mind that the tolerant attitude towards the ‘other’ as reflected in the Epistles of the Ikhwān is by no means representative of the Ismā'īlī tradition as a whole.⁶⁴ In fact, it is quite misleading to view the Ismā'īliyya as a monolithic tradition; since its inception, the Ismā'īlī world

Marquet, *Imamat*, pp. 135–139; and cf. De Smet, “Climats”; Daiber, “Abū Ḥatīm ar-Rāzī,” pp. 90f.; Peerwani, “Abū Ḥatīm Rāzī,” pp. 272–275.

63 See Ikhwān al-Ṣafā', *Rasā'il*, vol. 3, p. 535:

واعلم أن الآراء الفاسدة كثيرة . . . وأن أهلها جم غفير لا يعرفون ولا يطاقون ولا يؤمن من غوائلهم وهم جنود إبليس أجمعون وهم الأشرار والكفار والفساق والمنافقون وأهل البدع والضلالات ولكن أشرهم على أهل الدين والورع وأضرهم على العلماء وأشدهم على عداوة الحكماء هذه الطائفة الظلمة المجادلة المخاصمة الكفرة الفجرة . . .

Ibid., p. 537:

. . . وذلك أنك تراهم يكفر بعضهم بعضا ويتبرأ بعضهم من بعض ويرى كل واحد منهم حل أخذ مال مخالفه ويشهد عليهم بالكفر والزندقة والخلود في النار أبد الأبدین

See also above n. 15. Note that both the Ikhwān and Ibn al-'Arabī view their ideological opponents in satanic terms; see, e.g., *ibid.* (أخلاق الشياطين وقوتهم قوة).

. . . وأخلاقهم أخلاق الشياطين وقوتهم قوة. (الذجالين . . .); *idem*, *al-Risāla al-jāmi'a*, vol. 1, pp. 712f., 717; Ibn al-'Arabī, *Futūḥāt*, vol. 1, p. 261 (chapter 30 = ed. Yaḥyā, vol. 3, p. 251):

. . . الفقهاء وأصحاب الأفكار الذين هم فراعنة الأولياء ودجاجة عباد الله الصالحين . . .

Ibid., p. 350f. (chapter 54 = ed. Yaḥyā, vol. 4, pp. 263–265); see also Takeshita, *Ibn 'Arabī's Theory*, pp. 125–127, 150, 168f.; Chittick, *Imaginal Worlds*, p. 135; al-Ghorab, “Muhyiddin Ibn al-'Arabī,” pp. 216–218. On the supreme status of the “friends of God” vis-à-vis the exoteric scholars and the common believers, see, e.g., Ikhwān al-Ṣafā', *Rasā'il*, vol. 4, pp. 374–381; and in the thought of Ibn al-'Arabī, see Chodkiewicz, *Seal*; Elmore, *Islamic Sainthood*, pp. 109–162.

64 Cf. Marquet, “Tolérance”; Nanji, “Portraits”; and Lewis, *Origins*, pp. 93–96.

was comprised of different factions that disagreed with one another on various issues and competed with each other over religious and political hegemony.⁶⁵ The Ikhwān, who seem to have been part of this mosaic-like Ismāʿīlī world, held a distinct worldview that differed from the one expressed by most early Ismāʿīlī authors—a humanistic, universal and ecumenical worldview. Indeed, the Ikhwān place man in the center of the stage along with the Prophet and the *imām* (and at times in their stead), presupposing a community which is not strictly speaking Shīʿī-Ismāʿīlī but is more like a mystical—some may even say, utopian—brotherhood.⁶⁶ This humanistic and universal outlook is likewise reflected in the writings of the Andalusian mystic Ibn al-ʿArabī.

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65 See, e.g., Madelung, “Fatimids”; Stern, “Ismāʿīlīs”; idem, “Heterodox Ismāʿīlism”; Daftary, *The Ismāʿīlīs*, pp. 234–249; idem, *Ismaʿīlī Literature*, pp. 13, 29, 125; De Smet, “Adam”; Walker, *Early Philosophical Shiism*, pp. 55–57.

66 See, e.g., Ikhwān al-Ṣafāʾ, *Rasāʾil*, vol. 3, pp. 310–312, 489f., vol. 4, pp. 124–127; idem, *al-Risāla al-jāmiʿa*, vol. 1, pp. 152f.; and especially El-Bizri, *Epistles*, pp. xviif., 10f.; Ebstein, *Mysticism and Philosophy*, pp. 179–188; Stern, “Fāṭimid Propaganda,” pp. 84–87, 95; idem, “New Information,” pp. 175f.; cf. Netton, *Muslim Neoplatonists*, pp. 95–104, 107; idem, “Brotherhood”. Contrary to Netton, I do not think that the humanistic-universal approach of the Ikhwān precludes their Ismāʿīlī identity; rather, the Ikhwān interpreted their own Shīʿī-Ismāʿīlī beliefs in a unique humanistic-universal way. On the term humanism in its Islamic mediaeval context see Kraemer, *Humanism*, pp. 5–11.

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